

74

ACT No. XVI OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th October, 1895.)

An Act to repeal certain obsolete Enactments and to amend certain other Enactments.

WHEREAS it is expedient that certain enactments specified in the first schedule to this Act, which are spent, or have ceased to be in force otherwise than by express, specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed;

And whereas it is also expedient that certain formal amendments should be made in the enactments specified in the second schedule to this Act;

It is hereby enacted as follows:—

1. (1) This Act may be called the Repealing and Amending Act, 1895. Title, extent and commencement.

(2) It extends to the whole of the territories administered by the Governor of Bombay in Council; and

(3) It shall come into force at once.

2. (1) The enactments specified in the first schedule are hereby repealed to the extent mentioned in the fourth column thereof. Enactments in first and second schedules repealed and amended respectively.

(2) The enactments specified in the second schedule shall be modified to the extent and in the manner mentioned in the fourth column thereof.

3. The repeal by this Act of any enactment shall not affect any Statute, Act or Regulation in which such enactment has been applied, incorporated or referred to; Savings.

and

[Price three annas and nine pies.]

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading; practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed by, recognized in or derived from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment provide or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

A description or citation of a portion of an Act or Regulation includes the words, section or other part mentioned or referred to as forming the beginning or as forming the end of the portion comprised in such description or citation.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.

Part I.—Acts of the Governor General in Council.

1860	XLVIII	Police, Bombay Town	In section 7, <i>the words from and, if the offender to the end of the section.</i> Section 27.
1876	X	Bombay Revenue Jurisdiction Act, 1876.	Section 1, clause (c).
"	XX	Bhaunagar Act, 1876	Section 3.
1879	XVII	Dekkhan Agriculturists' Relief Act, 1879.	In section 3, clause (a), <i>the words and figures on or after the first day of November, 1879.</i> In clause (b) of the same section, <i>the words and instituted on or after the same date.</i> In section 5, <i>the words and figures from and any such jurisdiction to the end of the section.</i>
1881	XXIII	Dekkhan Agriculturists' Relief Act, 1881.	Sections 6 and 8.
1882	XXII	Dekkhan Agriculturists' Relief Act, 1882.	Sections 3, 7, 11 and 12. In section 14, <i>the word and figures and 52.</i>
1886	XXIII	Dekkhan Agriculturists' Relief Act, 1886.	Section 4.
1889	XIV	Indemnity to certain witnesses.	The whole.

Part II.—Acts of the Governor of Bombay in Council.

1863	II	Exemptions from land-revenue.	In section 11, clause First, <i>the words of the same.</i> Section 12.
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THE FIRST SCHEDULE—continued.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.

Part II.—Acts of the Governor of Bombay in Council—continued.

1863	III	Satara, etc.	In the title, <i>the words from certain lands to taluka Kundapur.</i> In the preamble, <i>the words and figures from and whereas lands to it is expedient that the district so transferred should be brought under the Regulations and Acts of the Presidency of Bombay.</i> Section 4, clause <i>Second</i> .
1865	III	Wagers	Section 4.
1866	I	Extending Bombay Act I of 1865 to Sind.	The whole.
"	VIII	Sale of Poisons . . .	In sections 3, 4 and 13, <i>the word the where it occurs before the word Schedule.</i>
"	XII	Sind Courts	Sections 13 and 14.
"	XIV	Edulábád and Warangaon	In section 3, <i>the words and figures from as amended to Bombay.</i>
1871	II	Duties on non-agriculturists.	So much as has not been repealed.
1872	II	Repayment of loan to Bombay Corporation.	So much as has not been repealed.
1873	VI	Bombay District Municipal Act.	In the heading to Part VIII, <i>the word Appeals.</i> Section 21, clause (1).
1874	III	Bombay Hereditary Offices Act.	In section 77, <i>the word Revenue.</i> Section 14, clause (2). Section 15, clause (2).
1876	III	Tolls on Roads and Bridges.	Section 2. In section 3, <i>the words from Until such rates to this Act.</i>
1876	III	Mamlatdars' Courts Act, 1876.	In section 3, clause (1), <i>the words and figures from or who to the end.</i>

THE FIRST SCHEDULE—continued.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
<i>Part II.—Acts of the Governor of Bombay in Council—continued.</i>			
1877	I	Bombay Vaccination Act, 1877.	In section 7, <i>the word and at the end of the second paragraph, and the whole of the third paragraph.</i>
1878	V	Bombay Abkari Act, 1878	Section 2 and the schedule. In section 3, clause (9), <i>the word</i> Indian. Sections 64, 65 and 66.
1879	IV	Karachi Vaccination Act, 1879.	In section 7, <i>the word and at the end of the second paragraph, and the whole of the third paragraph.</i>
"	V	Bombay Land-revenue Code, 1879.	In section 1, the last two sentences. The fourth paragraph of section 4, and the third paragraph of section 7. In sections 8 and 11, <i>the words</i> of the district, <i>and in section 10 the words</i> of a district. In section 12, the last sentence. In section 14, the last sentence. In section 17, <i>the words</i> from and, pending to required to keep. In section 22, the last sentence. In section 132, the last sentence. Schedule A, so far as it relates to Bombay Act I of 1866.
"	VII	Bombay Irrigation Act, 1879.	Section 33.
1880	III	Repealing certain sections of Bombay Act VII of 1879.	The whole.
1882	I	Repealing Bombay Act VII of 1878.	The whole.
"	VII	Bombay Landing and Wharfage Fees Act, 1882.	In section 4, <i>the words</i> the Commissioner in Sind, the Political Resident at Aden and. Section 11.
1883	V	Bombay Public Authorities' Seals Act, 1883.	In the preamble, <i>the words and figures</i> from to extend to so as, <i>and the words</i> other and besides Magistrates. In section 3, <i>the words</i> Courts and other.

THE FIRST SCHEDULE—continued.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
<i>Part II.—Acts of the Governor of Bombay in Council—continued.</i>			
1884	I	Bombay Local Boards Act, 1884.	In section 44, clause (d), <i>the words and figures</i> or by order of the Governor in Council under section 42.
	II	Bombay District Municipal Act Amendment Act, 1884.	The second proviso to section 3.
1885		Legalizing the payment by the Trustees of the Port of Bombay of certain arrears of interest due to the Government.	The whole.
"	IV	Amendment of Bombay Acts I (Local Boards) and II (District Municipalities) of 1884.	Sections 2 and 4.
1886		Bombay General Clauses Act, 1886.	Section 2, first paragraph. In section 3, clause (5), <i>the words</i> other than the Settlement of Prince of Wales' Island, Singapore and Malacca. So much of Schedule A as has not been repealed. So much of Schedule B as relates to Bombay Acts I of 1862, V of 1862, VI of 1862, I of 1863, III of 1863, V of 1863, VI of 1863, VII of 1866, VIII of 1866, XII of 1866, XIII of 1866, VI of 1867, II of 1868, III of 1869, II of 1871, I of 1872, VI of 1873, I of 1874, II of 1874, III of 1874, III of 1875, II of 1876, III of 1876, I of 1877, IV of 1879, V of 1879, VI of 1879, VII of 1879, I of 1880, I of 1883, II of 1883, I of 1884 and II of 1884.
1886	V	Hereditary Offices (amending Bombay Act III of 1874).	Section 4.
1887	IV	Bombay Prevention of Gambling Act, 1887.	Section 2 and the schedule.

THE FIRST SCHEDULE—continued.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
<i>Part II.—Acts of the Governor of Bombay in Council—continued.</i>			
1888	I	Amendment of Bombay Acts I (Local Boards) and II (District Municipalities) of 1884.	Section 2.
	III	City of Bombay Municipal Act, 1888.	In section 5, <i>the words and figures</i> On and after the first day of April, 1889. Section 6, sub-section (1). In section 19, sub-section (1), <i>the words and figures</i> On or before the first day of October, 1888, and; <i>also the word</i> thereafter. Section 22, sub-section (2). In section 34, in sub-section (1), <i>the words</i> not being one of the first general elections held in accordance with this Act, <i>and</i> , in sub-section (2) <i>the words</i> of a first general election held in accordance with this Act, or. In section 35, the whole of sub-section (1) and the first word of sub-section (2). In section 39, in sub-section (2), the first sentence, <i>and the words</i> then or thereafter; <i>and</i> , in sub-section (3), the first sentence <i>and the word</i> thereafter. In section 79, sub-section (1), <i>the words</i> as soon as may be after this Act comes into force, and afterwards. The whole of Schedule R except section 7 thereof.
	IV	City of Bombay Municipal Act Amendment Act, 1888.	Section 7.
	V	Aden Port Trust Act, 1888	Section 9. In section 19, <i>the words from</i> Until a schedule to directed under this Act. In section 25, sub-section (1), <i>the words and figure</i> upon and after the date notified by the Governor in Council under section 9. In sections 37 and 39, <i>the words</i> after the date on which this Act comes into force.

THE FIRST SCHEDULE—continued.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.

Part II.—Acts of the Governor of Bombay in Council—concluded.

1888	V —contd.		In section 40, sub-section (3), the figures 1881. Section 40, sub-section (4). Section 81.
"	VI	Gujarat Taluqdar Act, 1888.	Section 3.
1890	III	Bombay Salt Act, 1890	In section 1, sub-section (2), the words from but to in this clause. Section 2.
"	IV	Bombay District Police Act, 1890.	In section 2, first paragraph, the last fifteen words. Section 82.
1891	I	Amendment of the Bombay General Clauses Act, 1886.	Section 1.
"	II	Bombay Boiler Inspection Act, 1891.	In section 28, clause (c), the words to the inspector.
1892	I	Bombay District Vaccination Act, 1892.	Section 33, sub-section (2).

Part III.—Regulations of the Bombay Code.

1827	II	Pleaders	In section 50, clause Third, the words and figures from under the rules to Regulation. In section 51, clause Second, the words rules contained in the and the words and figures according to section 56 of this Regulation. In section 53, the words and figures from under the rules to Regulation.
1834	I	Abolition of office of Deputy Agent for Sardars in Dekkhan.	So much as has not been repealed.

1895.]

*Amending Act.*THE FIRST SCHEDULE—*concluded.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.

Part IV.—Regulations made under 33 Vict., c. 3.

1887	XI	Aden Pilgrims and Paupers Regulation, 1887.	Section 2, clause (1).
1892	III	Sind Frontier Regulation, 1892.	Section 2, sub-section (1).

THE SECOND SCHEDULE.

ENACTMENTS AMENDED.

1	2	3	4
Year.	No.	Subject or title.	Amendment.
<i>Part I.—Acts of the Governor of Bombay in Council.</i>			
1863	II	Exemptions from land-revenue.	In section 5, clause <i>First</i> , first proviso <i>for or after nazrāna read on.</i> In section 11, clause <i>Third</i> , <i>for collect-orate read district.</i>
"	V	Bombay Gas Company	In section 7, <i>for the words and figures under Act XIV of 1856 read in Municipalities under the law for the time being in force.</i>
"	VI	Public Conveyances (Bombay Town, Suburbs and Harbour).	In section 18, <i>for laws read law.</i>
"	VII	Exemptions from land-revenue.	In section 18, clause <i>Second</i> , and section 19, clause <i>Fifth</i> , <i>for the Stamp Act read the Court-fees Act, 1870.</i>
1867	VI	Sanitary Regulation, Bombay City.	In section 4, <i>for the appended schedule read Schedule A.</i> In section 8, <i>between the words may and require insert by an order in writing in the form given in Schedule B.</i>
1869	III	Bombay Local Funds Act, 1869.	In section 7, <i>after defined in insert the.</i> In section 7, clause 1, <i>after laid down in insert the.</i> In section 8, <i>after occupants of land under insert the.</i>
1873	VI	Bombay District Municipal Act.	In section 53, clause 1, <i>for quarry read quay.</i>
1874	III	Bombay Hereditary Offices Act.	In the definition of "officiator" in section 4, <i>after provisions insert of this Act.</i> In section 10, <i>after the date insert of this Act.</i> In section 73, clause 2, <i>after provisions insert of this Act.</i>
1876	II	Bombay City Land-revenue Act, 1876.	In section 6, <i>for in India read of India.</i>

THE SECOND SCHEDULE—continued.

1	2	3	4
Year.	No.	Subject or title.	Amendment.
<i>Part I.—Acts of the Governor of Bombay in Council—continued.</i>			
1877	I	Bombay Vaccination Act, 1877.	In section 3, <i>after</i> purposes insert of this Act. In section 28, <i>for</i> in the manner prescribed by Act XIII of 1856 (<i>for regulating the Police of the towns of Calcutta, Madras and Bombay</i>) and Act XLVIII of 1860 (<i>to amend Act XIII of 1856</i>) or any other Act for the time being in force regulating the Police of the City of Bombay, <i>read</i> in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts. In Schedule D, <i>for</i> ten rupees <i>read</i> fifty rupees.
1879	IV	Karachi Vaccination Act, 1879.	In section 20, <i>for</i> to where the word occurs <i>before</i> fine <i>read</i> with. In Schedule D, <i>for</i> ten rupees <i>read</i> fifty rupees.
"	V	Bombay Land-revenue Code, 1879.	In section 61, <i>for</i> an incomplete portion <i>read</i> a portion. In section 99, clause (b), <i>for</i> their, <i>the first time that word occurs, read</i> the. In the second paragraph of section 104, <i>before</i> revised insert original or. In section 211, <i>for</i> the word and where it <i>precedes</i> the words Assistant Superintendent of Survey <i>read</i> an.
1882	IV	Bombay Town Police (amending Act XLVIII of 1860).	In section 1, <i>for</i> the words and figures sections are substituted <i>for</i> sections 17 and 18 of Act XLVIII of 1860, which are, <i>read</i> section is substituted <i>for</i> section 18 of Act XLVIII of 1860, which is.
"	VII	Landing and Wharfage Fees.	In section 2, <i>for</i> the words It shall extend—(a) to the Ports of Karachi and Aden; (b) to any other ports <i>read</i> it shall extend to any ports.
1883	I	Bombay Highway Act, 1883.	In section 5, <i>for</i> municipalities <i>read</i> municipality.

THE SECOND SCHEDULE—concluded.

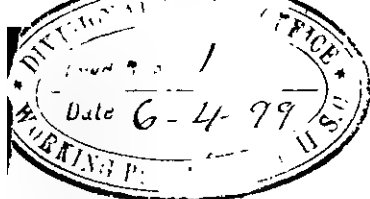
1	2	3	4
Year.	No.	Subject or title.	Amendment.

Part I.—Acts of the Governor of Bombay in Council.—concluded.

1884	II	Bombay District Municipal Act Amendment Act, 1884.	In section 4, clause (3), <i>before coming and before</i> and the like <i>insert</i> of this Act.
1886	III	Bombay General Clauses Act, 1886.	In column 4 of Schedule B, <i>opposite</i> Act VII of 1867, section 44, <i>after</i> of Police <i>insert</i> (where the words first occur).
1888	III	City of Bombay Municipal Act, 1888.	In section 85, sub-section (2), <i>for</i> appointment <i>read</i> appointments. In section 471, <i>for</i> 418 <i>read</i> 428.
"	V	Aden Port Trust Act, 1888	In section 19, in clause (c) of the proviso, <i>for the words</i> day aforesaid <i>read</i> 31st March, 1889, <i>and for the words and figure</i> date notified by the Governor in Council under section 9 <i>read</i> 1st April, 1889. In section 20, in clause (b) of the proviso, <i>for the words and figure</i> date notified by the Governor in Council under section 9 <i>read</i> 1st April, 1889.

Part II.—Regulations of the Bombay Code.

1827	II	Pleaders	In section 51, <i>for</i> dismission <i>read</i> dismissal.
1830	VII	Southern Maratha Country	In the preamble, <i>for the words and figures</i> Regulations XXIX and XXX <i>read</i> Regulation XXIX. In section 2, <i>for the words and figures</i> Regulations XXIX of 1827 and XXX of 1827 <i>read</i> Regulation XXIX of 1827, <i>and for the words</i> the following sections <i>read</i> section 5.



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WHEREAS it is expedient that certain enactments specified in the first schedule to this Act; which are spent, or have ceased to be in force otherwise than by express, specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed;

And whereas it is also expedient that certain formal amendments should be made in the enactments specified in the second schedule to this Act;

It is hereby enacted as follows:—

1. (1) This Act may be called the Repealing and Amending Act, 1895.

Title, extent and commencement.

(2) It extends to the whole of the territories administered by the Governor of Bombay in Council; and

(3) It shall come into force at once.

2. (1) The enactments specified in the first schedule are hereby repealed to the extent mentioned in the fourth column thereof.

Enactments in first and second schedules repealed and amended respectively.

(2) The enactments specified in the second schedule shall be modified to the extent and in the manner mentioned in the fourth column thereof.

3. The repeal by this Act of any enactment shall not affect any Statute, Act or Regulation in which such enactment has been applied, incorporated or referred to;

Savings.

and

[Price three annas and nine pies.]

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing ;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed by, recognized in or derived from any enactment hereby repealed ;

nor shall the repeal by this Act of any enactment provide or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

A description or citation of a portion of an Act or Regulation includes the words, section or other part mentioned or referred to as forming the beginning or as forming the end of the portion comprised in such description or citation.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.

Part I.—Acts of the Governor General in Council.

1860	XLVIII	Police, Bombay Town	In section 7, <i>the words from</i> and, if the offender <i>to the end of the section.</i> Section 27.
1876	X	Bombay Revenue Jurisdiction Act, 1876.	Section 1, clause (c).
"	XX	Bhannagar Act, 1876	Section 3.
1879	XVII	Dekkhan Agriculturists' Relief Act, 1879.	In section 3, clause (a), <i>the words and figures on or after the first day of November, 1879.</i> In clause (b) of the same section, <i>the words and</i> instituted on or after the same date. In section 5, <i>the words and figures from</i> and any such jurisdiction <i>to the end of the section.</i>
1881	XXIII	Dekkhan Agriculturists' Relief Act, 1881.	Sections 6 and 8.
1882	XXII	Dekkhan Agriculturists' Relief Act, 1882.	Sections 3, 7, 11 and 12. In section 14, <i>the word and figures</i> and 52.
1886	XXIII	Dekkhan Agriculturists' Relief Act, 1886.	Section 4.
1889	XIV	Indemnity to certain witnesses.	The whole.

Part II.—Acts of the Governor of Bombay in Council.

1863	II	Exemptions from land-revenue.	In section 11, clause First, <i>the words of the same.</i> Section 12.
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THE FIRST SCHEDULE—continued.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
<i>Part II.—Acts of the Governor of Bombay in Council—continued.</i>			
1863	III	Satara, etc.	In the title, <i>the words from certain lands to taluka Kundapur.</i> In the preamble, <i>the words and figures from and whereas lands to it is expedient that the district so transferred should be brought under the Regulations and Acts of the Presidency of Bombay.</i> Section 4, clause <i>Second</i> .
1865	III	Wagers	Section 4.
1866	I	Extending Bombay Act I of 1865 to Sind.	The whole.
"	VIII	Sale of Poisons	In sections 3, 4 and 13, <i>the word the where it occurs before the word Sched-</i> <i>ule.</i>
"	XII	Sind Courts	Sections 13 and 14.
"	XIV	Eduľabād and Warangaon	In section 3, <i>the words and figures from as amended to Bombay.</i>
1871	II	Duties on non-agricul- turists.	So much as has not been repealed.
1872	II	Repayment of loan to Bombay Corporation.	So much as has not been repealed.
1873	VI	Bombay District Muni- cipal Act.	In the heading to Part VIII, <i>the word Appeals.</i> Section 21, clause (4).
1874	III	Bombay Hereditary Offices Act.	In section 77, <i>the word Revenue.</i> Section 14, clause (2). Section 15, clause (2).
1875	III	Tolls on Roads and Bridges.	Section 2. In section 3, <i>the words from Until such rates to this Act.</i>
1876	III	Mamlatdars' Courts Act, 1876.	In section 3, clause (1), <i>the words and figures from or who to the end.</i>

THE FIRST SCHEDULE—continued.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
<i>Part II.—Acts of the Governor of Bombay in Council—continued.</i>			
1877	I	Bombay Vaccination Act, 1877.	In section 7, <i>the word</i> and <i>at the end of the second paragraph, and the whole of the third paragraph.</i>
1878	V	Bombay Abkari Act, 1878	Section 2 and the schedule. In section 3, clause (9), <i>the word</i> Indian. Sections 64, 65 and 66.
1879	IV	Karachi Vaccination Act, 1879.	In section 7, <i>the word</i> and <i>at the end of the second paragraph, and the whole of the third paragraph.</i>
"	V	Bombay Land-revenue Code, 1879.	In section 1, the last two sentences. The fourth paragraph of section 4, and the third paragraph of section 7. In sections 8 and 11, <i>the words</i> of the district, <i>and</i> in section 10 <i>the words</i> of a district. In section 12, the last sentence. In section 14, the last sentence. In section 17, <i>the words</i> from and, pending to required to keep. In section 22, the last sentence. In section 132, the last sentence. Schedule A, so far as it relates to Bombay Act I of 1866.
"	VII	Bombay Irrigation Act, 1879.	Section 33.
1880	III	Repealing certain sections of Bombay Act VII of 1879.	The whole.
1882	I	Repealing Bombay Act VII of 1878.	The whole.
"	VII	Bombay Landing and Wharfage Fees Act, 1882.	In section 4, <i>the words</i> the Commissioner in Sind, the Political Resident at Aden and. Section 11.
1883	V	Bombay Public Authorities' Seals Act, 1883.	In the preamble, <i>the words and figures from</i> to <i>extend to</i> so as, <i>and the words</i> other and besides Magistrates. In section 3, <i>the words</i> Courts and other.

THE FIRST SCHEDULE—*continued.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
<i>Part II.—Acts of the Governor of Bombay in Council—continued.</i>			
1884	I	Bombay Local Boards Act, 1884.	In section 44, clause (d), <i>the words and figures</i> or by order of the Governor in Council under section 42.
	II	Bombay District Municipal Act Amendment Act, 1884.	The second proviso to section 3.
1885		Legalizing the payment by the Trustees of the Port of Bombay of certain arrears of interest due to the Government.	The whole.
"	IV	Amendment of Bombay Acts I (Local Boards) and II (District Municipalities) of 1884.	Sections 2 and 4.
1886		Bombay General Clauses Act, 1886.	Section 2, first paragraph. In section 3, clause (5), <i>the words</i> other than the Settlement of Prince of Wales' Island, Singapore and Malacca. So much of Schedule A as has not been repealed. So much of Schedule B as relates to Bombay Acts I of 1862, V of 1862, VI of 1862, I of 1863, III of 1863, V of 1863, VI of 1863, VII of 1866, VIII of 1866, XII of 1866, XIII of 1866, VI of 1867, II of 1868, III of 1869, II of 1871, I of 1872, VI of 1873, I of 1874, II of 1874, III of 1874, III of 1875, II of 1876, III of 1876, I of 1877, IV of 1879, V of 1879, VI of 1879, VII of 1879, I of 1880, I of 1883, II of 1883, I of 1884 and II of 1884.
1886	V	Hereditary Offices (amending Bombay Act III of 1874).	Section 4.
1887	IV	Bombay Prevention of Gambling Act, 1887.	Section 2 and the schedule.

THE FIRST SCHEDULE—continued.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
<i>Part II.—Acts of the Governor of Bombay in Council—continued.</i>			
1888	I	Amendment of Bombay Acts I (Local Boards) and II (District Municipalities) of 1854.	Section 2.
"	III	City of Bombay Municipal Act, 1868.	<p>In section 5, <i>the words and figures</i> On and after the first day of April, 1889.</p> <p>Section 6, sub-section (1).</p> <p>In section 19, sub-section (1), <i>the words and figures</i> On or before the first day of October, 1888, and; <i>also the word</i> thereafter.</p> <p>Section 22, sub-section (2).</p> <p>In section 34, in sub-section (1), <i>the words</i> not being one of the first general elections held in accordance with this Act, <i>and</i>, in sub-section (2) <i>the words</i> of a first general election held in accordance with this Act, or.</p> <p>In section 35, <i>the whole of</i> sub-section (1) and the first word of sub-section (2).</p> <p>In section 39, in sub-section (2), the first sentence, <i>and the words</i> then or thereafter; <i>and</i>, in sub-section (3), the first sentence <i>and the word</i> thereafter.</p> <p>In section 79, sub-section (1), <i>the words</i> as soon as may be after this Act comes into force, and afterwards.</p> <p>The whole of Schedule B except section 7 thereof.</p>
	IV	City of Bombay Municipal Act Amendment Act, 1888.	Section 7.
	V	Aden Port Trust Act, 1888	<p>Section 9.</p> <p>In section 19, <i>the words from</i> Until a schedule to directed under this Act.</p> <p>In section 25, sub-section (1), <i>the words and figure</i> upon and after the date notified by the Governor in Council under section 9.</p> <p>In sections 37 and 39, <i>the words</i> after the date on which this Act comes into force.</p>

THE FIRST SCHEDULE—continued.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.

Part II.—Acts of the Governor of Bombay in Council—concluded.

1888	V —contd.		In section 40, sub-section (3), <i>the figures</i> 1881. Section 40, sub-section (4). Section 81.
"	VI	Gujarāt Taluqdars Act, 1888.	Section 3.
1890	II	Bombay Salt Act, 1890	In section 1, sub-section (2), <i>the words from but to in this behalf.</i> Section 9.
"	IV	Bombay District Police Act, 1890.	In section 2, first paragraph, <i>the last fifteen words.</i> Section 82.
1891	I	Amendment of the Bombay General Clauses Act, 1836.	Section 1.
"	II	Bombay Boiler Inspection Act, 1891.	In section 23, clause (c), <i>the words to the inspector.</i>
1892	I	Bombay District Vaccination Act, 1892.	Section 33, sub-section (2).

Part III.—Regulations of the Bombay Code.

1827	II	Pleaders	In section 50, clause Third, <i>the words and figures from</i> under the rules <i>to Regulation.</i> In section 51, clause Second, <i>the words rules contained in the and the words and figures</i> according to section 56 of this Regulation. In section 56, <i>the words and figures from</i> under the rules <i>to Regulation.</i>
1834	I	Abolition of office of Deputy Agent for Sardars in Dekkhan.	So much as has not been repealed.

1895.]

*Amending Act.*THE FIRST SCHEDULE—*concluded.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
<i>Part IV.—Regulations made under 53 Vict., c. 3.</i>			
1887	XI	Aden Pilgrims and Paupers Regulation, 1887.	Section 2, clause (1).
1892	III	Sind Frontier Regulation, 1892.	Section 2, sub-section (1).

THE SECOND SCHEDULE.

ENACTMENTS AMENDED.

1	2	3	4
Year.	No.	Subject or title.	Amendment.

Part I.—Acts of the Governor of Bombay in Council.

1863	II	Exemptions from land-revenue.	In section 5, clause <i>First</i> , first proviso <i>for or after nazrana read on</i> . In section 11, clause <i>Third</i> , <i>for collectorate read district</i> .
"	V	Bombay Gas Company	In section 7, <i>for the words and figures under Act XIV of 1856 read in Municipalities under the law for the time being in force</i> .
"	VI	Public Conveyances (Bombay Town, Suburbs and Harbour).	In section 18, <i>for laws read law</i> .
"	VII	Exemptions from land-revenue.	In section 18, clause <i>Second</i> , and section 19, clause <i>Fifth</i> , <i>for the Stamp Act read the Court-fees Act, 1870</i> .
1867	VI	Sanitary Regulation, Bombay City.	In section 4, <i>for the appended schedule read Schedule A</i> . In section 8, <i>between the words may and require insert by an order in writing in the form given in Schedule B</i> .
1869	III	Bombay Local Funds Act, 1869.	In section 7, <i>after defined in insert the</i> . In section 7, clause 1, <i>after laid down in insert the</i> . In section 8, <i>after occupants of land under insert the</i> .
1873	VI	Bombay District Municipal Act.	In section 53, clause 1, <i>for quarry read quay</i> .
1874	III	Bombay Hereditary Offices Act.	In the definition of "officiator" in section 4, <i>after provisions insert of this Act</i> . In section 10, <i>after the date insert of this Act</i> . In section 73, clause 2, <i>after provisions insert of this Act</i> .
1876	II	Bombay City Land-revenue Act, 1876.	In section 6, <i>for in India read of India</i> .

THE SECOND SCHEDULE—continued.

1	2	3	4
Year.	No.	Subject or title.	Amendment.

Part I.—Acts of the Governor of Bombay in Council—continued.

1877	I	Bombay Vaccination Act, 1877.	In section 3, <i>after</i> purposes insert of this Act. In section 28, for in the manner prescribed by Act XLI of 1856 (for regulating the Police of the towns of Calcutta, Madras and Bombay) and Act XLVIII of 1860 (to amend Act XIII of 1856) or any other Act for the time being in force regulating the Police of the City of Bombay, read in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts. In Schedule D, for ten rupees read fifty rupees.
1879	IV	Karachi Vaccination Act, 1879.	In section 20, for to where the word occurs before fine read with. In Schedule D, for ten rupees read fifty rupees.
"	V	Bombay Land-revenue Code, 1879.	In section 61, for an incomplete portion read a portion. In section 99, clause (b), for their, the first time that word occurs, read the. In the second paragraph of section 104, before revised insert original or. In section 211, for the word and where it; precedes the words Assistant-Superintendent of Survey read an.
1882	IV	Bombay Town Police (amending Act XLVIII of 1860).	In section 1, for the words and figures sections are substituted for sections 17 and 18 of Act XLVIII of 1860, which are, read section, is substituted for section 18 of Act XLVIII of 1860, which is.
"	VII	Landing and Wharfage Fees.	In section 2, for the words It shall extend—(a) to the Ports of Karachi and Aden; (b) to any other ports read it shall extend to any ports.
1883	I	Bombay Highway Act, 1883.	In section 5, for municipalities read municipality.

THE SECOND SCHEDULE—concluded.

1	2	3	4
Year.	No.	Subject or title.	Amendment.

Part I.—Acts of the Governor of Bombay in Council—concluded.

1884	II	Bombay District Municipal Act Amendment Act, 1884.	In section 4, clause (3), <i>before coming and before and the like insert of this Act.</i>
1886	III	Bombay General Clauses Act, 1886.	In column 4 of Schedule B, <i>opposite Act VII of 1867, section 44, after of Police insert (where the words first occur).</i>
1888	III	City of Bombay Municipal Act, 1883.	In section 35, sub-section (2), <i>for appointment read appointments.</i> In section 471, <i>for 418 read 428.</i>
"	V	Aden Port Trust Act, 1888	In section 19, in clause (c) of the proviso, <i>for the words day aforesaid read 31st March, 1889, and for the words and figure date notified by the Governor in Council under section 9 read 1st April, 1889.</i> In section 20, in clause (b) of the proviso, <i>for the words and figure date notified by the Governor in Council under section 9 read 1st April, 1889.</i>

Part II.—Regulations of the Bombay Code.

1827	II	Pleaders	In section 51, <i>for dismissal read dismissal.</i>
1830	VII	Southern Maratha Country	In the preamble, <i>for the words and figures Regulations XXIX and XXX read Regulation XXIX.</i> In section 2, <i>for the words and figures Regulations XXIX of 1827 and XXX of 1827 read Regulation XXIX of 1827, and for the words the following sections read section 5.</i>



BOMBAY ACT No. I OF 1899.

An Act further to amend the Bombay Port Trust Act, 1879.

(The assent of the Governor General of India to this Act was published by the Governor of Bombay on the 25th May 1899.)

WHEREAS it is expedient further to amend the Bombay Port Trust Act, 1879, in manner hereinafter appearing: It is enacted as follows:—

Bo. Act VI
of 1879.

Bo. Act VI
of 1879.

1. In the Bombay Port Trust Act, 1879, which is hereinafter referred to as the said Act, for clause (12) of section 3 there shall be substituted the following, *viz.*:

Amend-
ment of
section 3
(12).

“(12) the words ‘Public securities’ mean:

(a) promissory notes, debentures, stock or other securities of the Government of India;

(b) debentures or other securities for money issued by, or on behalf of,—

(i) any Municipal body or any Port Trust under the authority of any Act of a legislature established in British India;

Bo. Act IV
of 1879.

(ii) the City of Bombay Improvement Trust under the authority of Act IV of 1898.”

2. In the said Act the first two paragraphs of section 13 shall be numbered as sub-sections (1) and (2), and the following shall be added:

Amend-
ment of
section 13.

“(3) Nothing in the last preceding sub-section shall prevent a person being elected or appointed for a shorter period than three months in the place of an absent trustee, on the application of the Board if the absentee be an elective-trustee, or at the discretion of Government if he be a nominee-trustee.”

3.

[Price—1½ Annas.].

Amend-
ment of
section 14.

3. For section 14 of the said Act the following shall be substituted, viz.:

Disqualifi-
cations for
office of
trustee.

“14 (1) A person shall be disqualified to be a trustee who—

(a) is an uncertificated bankrupt or insolvent;

or

(b) has been convicted and sentenced to imprisonment for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such conviction not having been subsequently reversed or quashed; or

(c) holds any office or place of profit under the Board; or

(d) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by or on behalf of the Board.

Proviso.

(2) But a person shall not be so disqualified, or be deemed to have any share or interest in such contract or employment, by reason only of his having a share or interest in—

(a) any lease, sale, exchange or purchase of immoveable property, or any agreement for the same; or

(b) any license by the Board, or right by agreement or otherwise with the Board to the sole or preferential use of any railway sidings or any berth for vessels in the docks belonging to the Board; or

(c) any agreement for the loan of money, or any security for the payment of money only; or

(d) any newspaper in which any advertisement relating to the affairs of the Board is inserted; or

(e) any joint-stock company which shall contract with, or be employed by or on behalf of the Board; or

(f)

(f) the occasional sale to the Board, to a value not exceeding two thousand rupees in any one official year, of any article in which he trades.”

4. After section 14 of the said Act the following sections shall be inserted :

Insertion of new sections after section 14.

“ 14 A. Any trustee who—

Grounds on which Trustees shall vacate office.

(a) becomes disqualified for any of the reasons mentioned in the last preceding section ; or

(b) is absent from the meetings of the Board for a period exceeding twelve consecutive months, or without the permission of the Board from six consecutive ordinary meetings of the Board ; or

(c) acts in contravention of the provisions of the next succeeding section ;

shall cease to be a trustee, and his office shall thereupon become vacant.

“ 14 B. A trustee shall not at any meeting of the Board or a Committee thereof take part in the discussion of, or vote on any matter in which he has directly or indirectly, by himself or his partner, any share or interest such as is described in section 14, sub-section (2), or in which he is interested either professionally on behalf of a client or as agent for any person.”

Restriction on power of Trustees to vote or discuss matters in which they are interested.

5. In the said Act the first paragraph of section 15 shall be numbered as sub-section (1), and for the second paragraph of the same section there shall be substituted the following, viz.:—

Amendment of section 15.

“ (2) Every trustee other than the Chairman who shall attend a meeting at which a quorum is present and business is transacted, and which he attends from the beginning to the end thereof, shall be entitled to a fee of—

Fees to which trustees other than the Chairman shall be entitled.

(a)

For an ordinary meeting of the Board.

(a) Rs. 30 for every ordinary meeting of the Board, provided that if such meeting is adjourned or more than one ordinary meeting is held in any one week, no more than Rs. 30 shall be paid to any trustee for his attendance at all such meetings during that one week;

For a special meeting of the Board.

(b) Rs. 30 for every special meeting of the Board convened under sub-section (2) (b) of the next succeeding section;

For a special meeting of a Committee.

(c) Rs. 15 for every special meeting of a Committee of which such trustee attending is a member, convened under sub-section (5) of the next succeeding section, provided that such special meeting of a Committee is not held upon the same day in continuation of or preparatory to an ordinary or special meeting of the Board for which he is entitled to a fee under either of the preceding clauses.

Proviso.

(3) The aggregate amount of fees payable to any trustee under the last preceding sub-section in respect of meetings held during any month shall not exceed Rs. 200, or such sum as may be fixed by any by-law from time to time made in this behalf."

Amendment of section 21.

6. In the proviso to section 21 of the said Act as amended by Bombay Act III of 1883, in place of the word and figure "and 6" there shall be substituted the following, viz. "(6) and (7)".

Amendment of section 22.

7. To section 22 of the said Act there shall be added the following, viz.:

Determining conditions of grant of wound pensions or compassionate allowances.

"(7) for determining the conditions under which pensions, gratuities or compassionate allowances may be paid to any of such officers and servants injured, or to the surviving relatives of any of such officers and servants killed, in the execution of their duty."

8. In section 23 of the said Act for the first ^{Amend-} twenty-two words thereof there shall be substituted ^{ment of} the following, viz.: section 23.

“Subject to the provisions of the schedule for the time being sanctioned by the Board under section 21 and of the regulations for the time being in force.”

9. In section 37 of the said Act after the first ^{Amend-} sentence ending with the word “thoroughfare” there ^{ment of} shall be inserted the following, viz.: section 37.

“Provided that in respect of any such road or thoroughfare wholly constructed after the passing of this Act the Commissioner before making such declaration may further require to be satisfied that the same has been drained, and that such lamps, lamp-posts and other apparatus as in his opinion are necessary for the lighting thereof and should be provided by the Board have been so provided.”

10. After section 42 of the said Act there shall ^{Insertion of} be inserted the following new sections, viz.: ^{two new} ^{sections} ^{after sec-} ^{tion 42.}

Act IX of
1872.

“42A. (1) Notwithstanding anything in the ^{Right of} Indian Contract Act, 1872, section 45, when any ^{survivors} debenture or security issued under the provisions ^{of joint} of this Act is payable to two or more persons ^{payees of} jointly and either or any of them dies, the debenture or security shall be payable to the survivor ^{securities.} or survivors of those persons.

(2) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the debenture or security jointly payable to him or them and the deceased.

(3) This section shall apply whether the death of the person to whom the debenture or security was jointly payable occurred or occurs before or after this Act comes into force.

Power of one of two or more joint holders to grant receipts.

“42 B. Where two or more persons are joint holders of any debenture or security issued under the provisions of this Act, any one of those persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Board by any other of the holders.”

Repeal of part of section 43.

11. The last three paragraphs of section 43 of the said Act are repealed.

Insertion of two new sections after section 43.

12. After section 43 of the said Act the two following sections shall be inserted, viz. :

Scale of charges for use of dock, &c.

“43A. The Board may also frame a scale of charges to be levied—

(a) for the permission to use, and for the use of, any dock in the possession of the Board, and for services which the Board renders to, and for gear, tackle, tools, instruments, utensils, staging or materials supplied by the Board for the purpose of, any vessel using, or any person working in, any such dock ;

(b) subject to the provisions of section 68, for the use of water-boats, barges and fire-engines belonging to or maintained by the Board, and for water supplied by the Board in accordance with the provisions of section 68 ; and

(c) for the towing of, and rendering assistance of the nature referred to in clause (9) of section 68 to, vessels outside the limits of the port.

Scales framed under last two sections to be submitted to Government for sanction.

“43B. (1) Every scale framed by the Board under either of the two last preceding sections shall be submitted to Government for sanction ; and, when so sanctioned and published in the *Bombay Government Gazette*, shall have the force of law ; and, subject to the like sanction and publication, may from time to time be amended or added to by the Board.

(2)

(2) The Board may, in special cases, with the previous sanction of Government, remit the whole or any portion of the rates or of any charge leviable according to any scale in force under this section.”

Rates may be remitted in special cases.

13. After clause (5) of section 49 of the said Act the following clause shall be inserted, viz. :

Amendment of section 49.

“(6) The payment of pensions, gratuities and compassionate allowances granted by the Board to officers and servants of the Board injured, or to the surviving relatives of such officers and servants killed, in the execution of their duty.”

14. To section 50 of the said Act there shall be added the following, viz. :

Amendment of section 50.

“(4) The payment of pensions, gratuities and compassionate allowances granted by the Board to pilots and other officers and servants engaged in the pilot-service, who have been injured, and to the surviving relatives of pilots, officers and servants so engaged, who have been killed, in the execution of their duty.”

15. After section 51 of the said Act there shall be inserted the following new section, viz. :

Insertion of a new section after section 51.

“51A. (1) For the purposes of any investment which the Board are authorized to make by this Act it shall be lawful for the Board to reserve and set apart any debentures or securities to be issued by them on account of any loan to which the consent of Government has been given, provided that the intention to so reserve and set apart such debentures or securities shall have been notified as a condition to the issue of the loan.

Board may invest in their own debentures and securities.

(2) The issue of any such debentures or securities direct to and in the name of “The Trustees of the Port of Bombay” shall not operate to extinguish or cancel such debentures or securities, but

every

every debenture or security so issued shall be valid in all respects as if issued to, and in the name of, any other person.

(3) The purchase by, or the transfer, assignment or endorsement to, the Board of any debenture or security issued by the Board shall not operate to extinguish or cancel any such debenture or security, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to, any other person.

(4) All debentures or securities of the Board heretofore purchased by, issued, transferred or assigned to, or endorsed into the names of the Trustees of the Port of Bombay, or any person on their behalf, and all debentures and securities heretofore issued by way of renewal, consolidation or subdivision of any such debentures or securities, shall be and shall be deemed to have always been valid and negotiable in all respects and in the same manner and to the same extent as if held by, or issued, transferred, assigned or endorsed to any other person."

Insertion of
a new section
after
section 67,

16. After section 67 of the said Act there shall be inserted the following new section, viz. :

Alternative
remedy by
suit.

"67A. Notwithstanding anything contained in the seven sections last preceding and in section 85, the Board may recover by suit any tolls, dues, rents, rates, charges, damages, expenses, costs, or in case of sale the balance thereof, when the proceeds of sale are insufficient, or any penalties or fines payable to, or recoverable by, the Board under this Act or under any by-laws made in pursuance thereof."

Amend-
ment of
section 68.

17. In section 68 of the said Act between clause (7) and the proviso thereto the following shall be inserted, viz. :

"(8)

“(8) the extinguishing of fires on the property of the Board, and the equipment, maintenance and use of engines for that purpose;

“(9) the equipment of vessels, steam tugs or other boats and their use as well within the limits of the Port as on the high seas beyond those limits, and whether in territorial waters or otherwise, for the purpose of towing or rendering assistance to any vessel, whether entering or leaving the Port or bound elsewhere, and for the purpose of saving or protecting life or property;

“(10) the supply of water to shipping in the Port, and the equipment, maintenance and use of boats and barges for that purpose;

“(11) the extinguishing of fires in the Port, and the equipment, maintenance and use of engines for that purpose.”

18. In section 73 of the said Act, the word *Insertion*
“and” at the end of clause (g) shall be omitted; of a new
clause (h) shall be lettered as clause (i); and the clause in
following shall be inserted as clause (h): section 73.

“(h) for fixing the maximum amount of fees payable under section 15; and ”

19. For the proviso to section 78 of the said Act *Amend-*
there shall be substituted the following, viz.: ment of
section 78.

“Provided that nothing in this section shall apply to a person who is declared not to be disqualified, or to be deemed to have any share or interest in any contract or employment, by subsection (2) of section 14.”

20. In the last sentence of section 84 of the said *Amend-*
Act, between the words “authorized” and “officer” ment of
there shall be inserted the words “Dock Master section 84.
or”; the words “or of the Master Attendant’s Department” shall be omitted; and the following words shall be added at the end of the section, viz.:

“unless

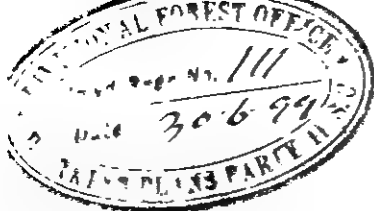
“unless the damage caused is in no way attributable to the order, act, or improper omission of such Dock Master or officer.”

Repeal of 21. The enactments mentioned in the Schedule
enactments. are repealed to the extent specified in the third
column thereof.

SCHEDULE.

(SEE SECTION 21.)

Enactments.	Subject.	Extent of Repeal.
Bombay Act VI of 1879.	Bombay Port Trust Act.	Section 9 to, and including, the words “in every other case.” Section 10 to, and including, the words “in every other case.” Section 21 the words from “until a schedule” to “foregoing provisions.” Section 57.
Bombay Act III of 1883.	Bombay Port Trust amend- ing Bombay Act VI of 1879.	Section 5.



ACT No. I of 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 13th January, 1899.)

An Act to amend the Indian Marine Act, 1887.

XIV of 1887. **WHEREAS** it is expedient to amend the Indian Marine Act, 1887 (hereinafter referred to as "the said Act"); It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Marine Act (1887) Amendment Act, 1899; and

Short title and commencement.

(2) It shall come into force at once.

2. In section 2, sub-section (1), clause (a), of the said Act, for the words 'the Indian Marine Service' the words 'the Royal Indian Marine Service (herein referred to as "the Indian Marine Service" or "Her Majesty's Indian Marine Service")' shall be substituted.

Amendment of section 2, sub-section (1), clause (a), Act XIV, 1887.

3. In the same section and sub-section of the said Act, for clauses (b), (c) and (d) the following clauses shall be substituted, namely:—

Substitution of new clauses for clauses (b), (c) and (d), section 2, sub-section (1), Act XIV, 1887.

'(b) "gazetted officer" means a person who, by virtue of his letter of appointment, is holding a position in the Indian Marine Service as—

Commander,
Lieutenant,
Sub-Lieutenant,

Chief Engineer,
Engineer, or
Assistant Engineer:

(c) "warrant-officer" means a person who, by virtue of his appointment, is holding a position in the Indian Marine Service as—

Assistant Surgeon,
Gunner,

Carpenter,
Clerk, or

Engine-driver, first class:

(d) "petty officer"

[Price one anna and six pies.]

(d) "petty officer" means a person who is employed in the Indian Marine Service as—

General Mess Steward,	Carpenter's Mate, second class,
Chief Syrang of Lascars, first class,	Carpenter's Crew, first class,
Chief Syrang of Lascars, second class,	Carpenter's Crew, second class,
Syrang of Lascars, first class,	Plumber,
Syrang of Lascars, second class,	General Mess Butler, first class,
Sukkani,	General Mess Butler, second class,
Tindal of Lascars, first class,	Cook, first class,
Tindal of Lascars, second class,	Cook, second class,
Engine-driver, second class,	Ship's Steward,
Syrang of Stokers, first class,	Tide-watcher,
Syrang of Stokers, second class,	Kassab, first class,
Tindal of Stokers, first class,	Kassab, second class,
Tindal of Stokers, second class,	Pilot,
Carpenter's Mate, first class,	Chart-room Attendant,
	Leadsman, or
	Interpreter :

Substitution of new sub-sections for sub-sections (1), (2) and (3), section 53, Act XIV, 1837.

4. (1) In section 53 of the said Act, for sub-sections (1), (2) and (3) the following sub-sections shall be substituted, namely :—

"53. (1) An Indian Marine Court shall consist of a president and not less than two, or more than four, other members, such members to be of rank not inferior to that of Lieutenant.

(2) The president of an Indian Marine Court for the trial of a Commander shall be of rank not below that of Commander, and two at least of the other officers composing the Court shall be of rank not below that of Commander.

(3) Except in the case of an Indian Marine Court convened under section 52, sub-section (2), the president of an Indian Marine Court for the trial of any person below the grade of Commander shall be of rank not below that of Commander."

(2) To the said section the following sub-sections shall be added, namely :—

— "(10) The seniority and precedence of officers serving on the same Indian Marine Court shall be governed

governed by their seniority as shown in the latest Indian Marine List. The fact of any officer bearing a superior title by virtue of an appointment which he may for the time being be holding, shall not give him seniority or precedence over any officer serving with him on the Indian Marine Court who may be senior to him on the Indian Marine List.

(11) The authority convening an Indian Marine Court shall, when practicable, appoint a Judge Advocate to every trial, who shall be, if possible, an officer of the Judge Advocate General's Department.

(12) The authority convening an Indian Marine Court shall also appoint a person as Provost-Marshal, who shall be responsible for the arrest and safe custody of the prisoner or prisoners as directed, until the decision of the confirming authority is made known and communicated to him by the convening authority."

5. After section 70 of the said Act the following shall be added, namely :—

" Supplemental.

" 70A. When an Indian Marine vessel is wrecked, lost, destroyed or captured by the enemy, it shall, for the purposes of this Act, be deemed to remain an Indian Marine vessel until her crew are regularly removed into some other Indian Marine vessel or until a Court of Inquiry has been held into the cause of the wreck, loss, destruction or capture thereof."

Addition of new section after section 70, Act XIV, 1887.

Provision in case of wreck, loss, destruction or capture of Indian Marine vessel.



BOMBAY ACT No. II OF 1899.

An Act to make better provision in the City of Bombay and elsewhere for preventing the adulteration of Ghee and other articles of human food.

(The assent of the Governor General of India to this Act was published by the Governor of Bombay on the 7th June 1899.)

WHEREAS it is expedient to make better provision in the City of Bombay and elsewhere for preventing the adulteration of Ghee and other articles of human food ; It is enacted as follows :—

PRELIMINARY.

1. (1) This Act may be cited as the “Bombay Short title. Prevention of Adulteration Act, 1899.”

(2) This Act extends to the whole of the Presi- Extent. dency of Bombay, but it shall not come into force except as in this section provided.

(3) This section and section 6 shall come into force at once throughout the extent of this Act.

(4) The other sections of this Act shall come into Commence- force, subject to the provisions of sub-section (5), ment.

(a) in the City of Bombay at once,
and

(b) in each municipal district elsewhere in respect of which the Governor in Council at any time so directs by notification, from such date, which shall not be less than one month from the date of the notification, as he prescribes therein in this behalf.

(5) (a) Nothing contained in any section coming into force under sub-section (4) shall apply

Provisions restricting the application of certain sections.

(i) in the City of Bombay, in the first instance, to any food other than ghee,

(ii)

[Price—1½ Annas.]

(ii) in any municipal district, to any food which is not of a kind to which the provisions contained in such section, are, by a notification under this section, for the time being made applicable in such district.

(b) But each of the said sections and of the amendments therein contained, in respect of which the Governor in Council at any time so directs by notification, shall in the City of Bombay or in any municipal district mentioned in such notification, apply to food of all kinds, or to food of any kind therein specified, from such date, which shall not be less than one month from the date of such notification, as shall be prescribed therein in this behalf.

(c) The Governor in Council may at any time cancel or vary, but not otherwise than in accordance with the provisions of this section, any notification made thereunder.

No proceedings to be instituted without leave of Commissioner or President or Vice-President of Municipality.

(d) No proceedings shall at any time be instituted under section 3, without the order or consent in writing,

(i) in the City of Bombay, of the Commissioner, or

(ii) in a municipal district, of the President or the Vice-President of the Municipality.

Summons when to be applied for and what it is to contain.

(e) In all prosecutions under section 3 or section 4, the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence against such section, unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused, and if such prosecution relates to a perishable article purchased from such person for the purpose of analysis, the application for such summons shall be refused unless it is made within twenty-eight days from the date of the purchase of such article, and particulars of the offence or offences against this

Act

Act of which such person is accused, and the name of the prosecutor, shall be stated in the summons, and the day fixed for the hearing of the case shall not be less than seven days from the day on which the summons is served upon such person.

(6) In this section and in the amendments contained in section 6, the term "food" does not include drugs or water, but includes every other article which is used for food or drink by man.

Meaning of "food," where its application is not restricted.

2. Subject to the provisions of section 1, this Act shall, in so far as it affects the City of Bombay, be read with, and construed as if it were part of, the City of Bombay Municipal Act, 1888, and, in so far as it affects any other part of the Presidency of Bombay, shall be read with, and construed as if it were part of, the Bombay District Municipal Acts, 1873 and 1884.

Bo. Act III of 1888.

Bo. Acts VI of 1873 and II of 1884.

Act to be read with Municipal Acts in force.

PROVISIONS WHICH RELATE TO THE SALE OF FOOD, AND WHICH MAY BY NOTIFICATION BE MADE APPLICABLE TO ANY FOOD.

3. (1) Whoever sells to the prejudice of the purchaser any article of food which is not of the nature, substance or quality of the article demanded by such purchaser, shall be punished for the first offence with fine which may extend to one hundred rupees, and for a second or any subsequent offence with fine which may extend to five hundred rupees.

Punishment for selling human food not of the proper nature, substance or quality.

(2) Provided that no offence shall be deemed to have been committed under this section in the following cases, that is to say,—

Protection to persons acting in good faith.

(a) where any matter or ingredient not injurious to health has been added to the article of food, because the same is required for the production or preparation thereof, as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or conceal the inferior quality thereof,

(b)

(b) where in the process of production, preparation or conveyance of such article of food some extraneous substance has unavoidably become intermixed therewith,

(c) where any matter or ingredient not injurious to health has been added to or mixed with such article of food and, before the sale thereof, the seller has brought to the notice of the purchaser, either by means of a label distinctly and legibly written or printed on or with the article or otherwise, the fact that such matter or ingredient has been so added or mixed.

Explanation :—If in compliance with a demand for ghee any article is supplied which contains any substance not exclusively derived from milk, such article shall be deemed to have been sold to the prejudice of the purchaser within the meaning of sub-section (1), unless before the sale thereof the seller has brought to the notice of the purchaser the fact that it contains such substance.

What is or is not a good defence in prosecutions under this section. (3) In any prosecution under this section it shall be no defence to allege that the vendor was ignorant of the nature, substance or quality of the article sold by him, or that the purchaser having bought only for analysis was not prejudiced by the sale.

Provided that the vendor shall not be deemed to have committed an offence under this section, if he proves to the satisfaction of the Court—

(a) that the article sold was purchased by him as the same in nature, substance and quality as that demanded by the purchaser, and with a written warranty to the effect that it was of such nature, substance and quality,

(b) that he had no reason to believe at the time when he sold it that the article was not of such nature, substance and quality as aforesaid, and

(c) that he sold it in the same state in which he purchased it.

4. (1) If in the City of Bombay the Commissioner or any officer empowered by him in that behalf, or elsewhere the officer authorized by the Municipality for the purposes of section 68 of the Bombay District Municipal Act, 1873, shall apply to purchase any article of food exposed for sale, and shall tender the price for a quantity not more than shall be reasonably requisite for the purpose of analysis, and the person exposing the same for sale shall refuse to sell the same, such person shall be liable to a penalty not exceeding fifty rupees.

Bo. Act VI
of 1873.

Persons refusing to sell any article to proper authority liable to penalty.

(2) The Commissioner or officer empowered as aforesaid in the City of Bombay, and elsewhere the officer authorised by the Municipality as aforesaid, on purchasing any article under this section for the purposes of analysis, shall, after the purchase shall have been completed, forthwith notify to the seller or his agent selling the article his intention to have the same analysed by the Chemical Analyser to Government, and shall offer to divide the article into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall, if required to do so, proceed accordingly, and shall deliver one of the parts to the seller or his agent.

Provisions for identifying sample purchased.

He shall afterwards retain one of the said parts for future comparison and submit the third part, if he deems it right to have the article analysed, to the Chemical Analyser to Government.

(3) If the seller or his agent do not accept the offer of the purchaser as aforesaid to divide the article purchased in his presence, the Chemical Analyser to Government receiving the article for analysis shall divide the same into two parts, and shall seal or fasten up one of those parts and shall cause it, either upon receipt of the sample or when he supplies his certificate, to be delivered to the purchaser, who shall retain the same for production in case proceedings shall afterwards be taken in the matter.

The Bombay Prevention [BOM. ACT NO.

PROVISIONS WHICH RELATE TO EXPOSURE FOR SALE,
&c., AND WHICH MAY BY NOTIFICATION BE MADE
APPLICABLE TO ANY FOOD.

5. (1) In the City of Bombay Municipal Act, 1888, <sup>Bo. Act III
of 1888.</sup>

Addition to
section 415
of the City
of Bombay
Municipal
Act, 1888.

(a) to section 415 there shall be added the following, namely :

“*Explanation.*—Any article exposed, hawked about, deposited in or brought to any place as aforesaid for sale as ghee, which contains any substance not exclusively derived from milk, shall be deemed for the purposes of this section and of sections 417 and 417A to be an article which is not what it is represented to be.”

Addition of
section to
section 417
of the City
of Bombay
Municipal
Act, 1888.

(b) After section 417 thereof, there shall be inserted the following new section, namely :

“417A. (1) In every case in which any article represented to be

(a) ghee, or

(b) food of a kind to which by virtue of a notification under the Bombay Prevention of Adulteration Act, 1899, the provisions of this section are for the time being applicable,

appears to the Magistrate dealing therewith under section 417, not to be what it is represented to be, the owner thereof or person in whose possession the same was found, not being merely carrier or bailee thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees.” <sup>Act XLV
of 1890.</sup>

Addition of
section to
section 68
of the
Bombay
District
Municipal
Act, 1873.

(2) In the Bombay District Municipal Act, 1873, <sup>Bo. Act VI
of 1873.</sup> after section 68 thereof, there shall be inserted the following new section, namely :

“68A. (1) In every municipal district in which this section is, by virtue of a notification under
the

the Bombay Prevention of Adulteration Act, 1899, for the time being in force, and applicable to food of all kinds or of any specified kind,

if any article to which this section is applicable as aforesaid, is intended for food or drink, and is in any place mentioned in section 63, the Municipality or officer authorised for the purposes of that section, in case such article appears not to be what it is represented to be, may seize the same, and if it appears to a Magistrate upon sufficient evidence, that such article is not what it is represented to be, such Magistrate may order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink, and the owner thereof or the person in whose possession the same was found, not being merely carrier or bailee thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees.

Act XLV
of 1860.

Explanation.—If such article having been exposed or stored in, or brought to any place mentioned in section 68, for sale as ghee, contains any substance not exclusively derived from milk, it shall be deemed to be, for the purposes of this section, an article which is not what it is represented to be.”

(3) The proviso hereinafter contained shall be added as sub-section (2),

Bo. Act III
of 1888.

(a) to section 417A of the City of Bombay Municipal Act, 1888, as amended by sub-section (1) of this section,

and

Bo. Act VI
of 1873.

(b) to section 68A of the Bombay District Municipal Act, 1873, as amended by sub-section (2) of this section,

namely :

Amend-
ments in
the Bombay
City Muni-
cipal Act,
1888, and
in the Bom-
bay District
Municipal
Act, 1873.

“(2)

Protection
to persons
acting in
good faith.

“(2) Provided that when any article of food referred to in sub-section (1) appears to the Magistrate not to be what it is represented to be, solely by reason of the fact that there has been added to it some substance not injurious to health, no offence shall be deemed to have been committed by the owner of the article or the person in whose possession the same is found, if such owner or person proves to the satisfaction of the Magistrate—

(a) that such substance has been added to the article of food, because the same is required for the production or preparation thereof, as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or conceal the inferior quality thereof, or

(b) that in the process of production, preparation or conveyance of such article of food, the extraneous substance has unavoidably become intermixed therewith, or

(c) that, by a label distinctly and legibly written or printed on or with the said article of food or by other means of public description, he has given sufficient notice that such substance has been so added, or

(d) that—

(i) the said article was purchased by him with a written warranty that it was of a certain nature, substance and quality,

(ii) he had no reason to believe that it was not of such nature, substance and quality as aforesaid, and

(iii) it was not exposed, hawked about, or brought for sale by him otherwise than as an article of the nature, substance and quality specified in the written warranty, and was in the same state in which he purchased it.”

PROVISIONS

IN 1899.] - of *Adulteration Act, 1899.*

PROVISIONS WHICH COME INTO FORCE AT ONCE AND
ARE NOT RESTRICTED IN THEIR APPLICATION.

Bo. Act III. of 1888. 6. (1) In the City of Bombay Municipal Act, 1888,—

(a) in sub-section (2) of section 417, for the words "he shall cause," there shall be substituted the following, namely :

"he may, and if it is diseased, unsound, unwholesome or unfit for human food and unfit for medicine, he shall cause".

(b) After section 417A of the said Act as amended by sub-section (1) and sub-section (3) of section 5 of this Act, there shall be inserted the following new sections, namely :

"417B. In every case in which food, on being dealt with under section 417, appears to the Magistrate to be diseased, unsound or unwholesome or unfit for human food, the owner thereof or the person in whose possession it was found, not being merely bailee or carrier thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees.

Act XLV of 1860.

"417C. In all prosecutions under section 417A or 417B the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence against such section, unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused."

Bo. Act VI of 1873. (2) In section 63 of the Bombay District Municipal Act, 1873, for the words "shall be liable to the penalty provided by section 273 of the Indian Penal Code" therein, there shall be substituted the following, namely :

Act XLV of 1860.

Amendment of section 63 of the Bombay District Municipal Act. 1873.

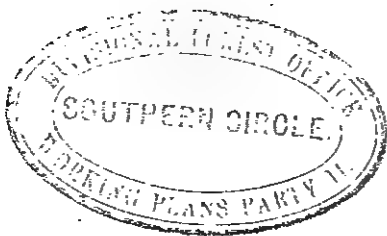
"shall

The Bombay Prevention of Adulteration Act, 1899. [BOM. ACT NO. 11 OF 1899]

“shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees.”

Application for summons to be refused if not applied for within reasonable time.

“In all prosecutions under this section or under section 68A, the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence against such section, unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.”



BOMBAY ACT No. III OF 1899.

An Act to provide for the grant of Special Occupancies in certain Government lands in Sind.

(The assent of the Governor General of India to this Act was published by the Governor of Bombay on the 11th November 1899.)

WHEREAS it is expedient to provide for the grant by the Government of special occupancies in certain lands in the Province of Sind within the Presidency of Bombay which are the property of the Government and are wholly or partly irrigable from Government canals; it is hereby enacted as follows :—

1. (1) This Act may be called the Government Short title.
Occupants (Sind) Act, 1899.

(2) It extends to the Province of Sind, being part Extent.
of the territories for the time being administered by
the Governor of Bombay in Council.

(3) It shall come into force at once,

Commence-
ment.

2. In this Act, unless there is something repug- Definition.
nant in the subject or context, "Collector" includes
also any officer appointed by the Local Government
to perform all or any of the functions of the Collec-
tor under this Act. And the Local Government may
delegate to any officer so appointed all or any of the
powers of a Collector under the Bombay Land Reve-
nue Code, 1879, in the area subject to his adminis-
tration.

Bo. Act V
of 1879.

3. The Local Government may, by notification Application
in the official Gazette, apply the provisions of this of Act.
Act to any tract of land in Sind, such land being
the property of Government and being wholly or
partly irrigable from a canal the property of Govern-
ment,

4.

[Price— $\frac{1}{2}$ Anna.]

Issue of statements of conditions of occupancies. 4. When this Act has been so applied to any tract, the Local Government may issue a statement or statements of the conditions on which it is willing to grant to occupants lands situate in such tract.

Maintenance of registers of occupancies. 5. (1) When any such statement has been issued for any tract, the Collector shall, in manner hereinafter provided, open and maintain for such tract a register or registers of occupancies granted on the conditions prescribed in such statement.

(2) Every such register shall have prefixed thereto a copy of the statement of conditions to which it relates and shall be in such form and shall contain such particulars as to the occupancies registered therein as the Local Government may prescribe.

Entry in register and signature thereof on grant of occupancy. 6. (1) Before an occupancy is granted to any person in any such tract, the prescribed particulars regarding the proposed grant shall be duly entered in the appropriate register, and the entry shall be signed by the proposed occupant and by the Collector.

Effect of signature of entry. 7. When any entry in any such register has been so signed as directed in the last foregoing section, the person signing the same as proposed occupant and his successors in interest shall, notwithstanding any previous agreement or anything contained in the Bombay Land Revenue Code, 1879, or any other enactment now in force, be deemed to have accepted and to hold the lands described in such entry as an occupant from the Government on the conditions prescribed in the statement prefixed to such register. Bo. Act V of 1879.

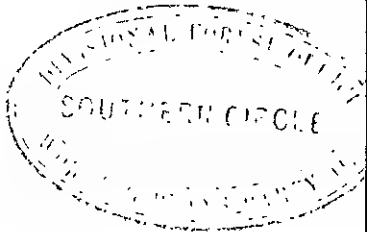
Transfer of rights of occupants. 8. The rights or interests vested in an occupant by or under this Act shall not be capable of being attached or sold in execution of a decree or order of any Court or in any insolvency proceedings, nor shall they or any of them, without the previous consent in writing of the Commissioner in Sind, be transferred or charged by any sale, gift, or mortgage or other private contract.

9. All sums due to the Government in respect of an occupancy granted in pursuance of this Act shall be recoverable as if they were arrears of land-revenue due from the occupant in respect of such occupancy. * Sums due in respect to occupancy recoverable as arrears of land-revenue.

10. Notwithstanding anything hereinbefore provided, any occupancy which may have been granted upon special conditions, at any time after the 15th day of October 1899 and before the passing of this Act, in respect of lands comprised within any tract which may be notified under section 3, shall be deemed to have been granted under the provisions of this Act, and shall have the same validity as if it had been granted in accordance with the foregoing provisions. Such particulars as may be prescribed by the Local Government shall be entered in respect of such occupancies in the registers provided under section 5. Retrospective effect given to the Act in respect of occupancies granted under conditions before the passing of the Act.



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ACT No. III OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 27th January, 1899.)

An Act to further amend the Presidency Small Cause Courts Act, 1882.

XV of 1882. **WHEREAS** it is expedient to further amend the Presidency Small Cause Courts Act, 1882; It is hereby enacted as follows:—

1. (1) This Act may be called the Presidency Small Cause Courts Act, 1899; and

Short title and commencement.

(2) It shall come into force at once.

XV of 1882. 2. To section 4 of the Presidency Small Cause Courts Act, 1882 (hereinafter referred to as "the said Act"), the words 'and the expression "Registrar"' includes 'a Deputy Registrar' shall be added.

Amendment of section 4, Act XV, 1882.

I of 1895. 3. For section 8A of the said Act as amended by the Presidency Small Cause Courts Act, 1895, the following section shall be substituted, namely:—

Substitution of new section for section 8A, Act XV, 1882, as amended by section 4, Act I, 1895.

"8A. (1) During any absence of the Chief Judge or any Judge of the said Court, or during the period for which any Judge is acting as Chief Judge, the Local Government may appoint any person, having the qualifications required by section 7, to act as Chief Judge or Judge of the said Court, as the case may be.

Performance of duties of absent Judge.

(2) Every person so appointed shall be authorized to perform the duties of the Chief Judge or a Judge of the said Court until the return of the absent Chief Judge or Judge, or of the Judge acting as Chief Judge, or until the Local Government sees cause to

cancel

[Price one anna and three pies.]

Presidency Small Cause Courts. [ACT III, 1899.]

cancel the appointment of such acting Chief Judge or Judge, as the case may be."

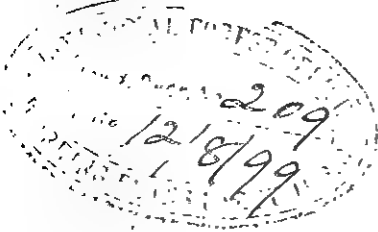
Amendment
of section 9,
Act XV,
1882, as
amended by
section 5,
Act I, 1895.

4. In section 9, sub-section (1), of the said Act as so amended, after clause (a) the following clause shall be added, namely :—

"(aa) empower the Registrar to hear and dispose of undefended suits and interlocutory applications or matters, and "

Amendment
of section 13,
Act XV,
1882.

5. In section 13 of the said Act, between the word "appoint" and the words "as many clerks" the words "a Deputy Registrar and" shall be inserted.



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ACT No. IV OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 3rd.
February, 1899.)*

An Act to provide for the exemption from the operation of municipal building laws of certain buildings and lands which are the property, or in the occupation, of the Government and situate within the limits of a municipality.

WHEREAS it is expedient to provide for the exemption from the operation of municipal building laws of certain buildings and lands which are the property, or in the occupation, of the Government and situate within the limits of a municipality; It is hereby enacted as follows:—

1. (1) This Act may be called the Government Buildings Act, 1899.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

2. In this Act the expression “municipal authority” includes a municipal corporation or a body of municipal commissioners constituted by, or under the provisions of, any law or enactment for the time being in force.

“Municipal
authority”
defined.

3. Nothing contained in any law or enactment for the time being in force to regulate the erection, re-erection, construction, alteration or maintenance of buildings within the limits of any municipality, shall apply to any building used or required for the public service or for any public purpose, which is the property,

Exemption
of certain
Government
buildings
from mun-
icipal laws to
regulate the
erection, etc.,
of buildings
within muni-
cipalities.

[Price one anna.]

property, or in the occupation, of the Government, or which is to be erected on land which is the property, or in the occupation, of the Government :

Provided that, where the erection, re-erection, construction or material structural alteration of any such building as aforesaid (not being a building connected with Imperial defence, or a building the plan or construction of which ought, in the opinion of the Government, to be treated as confidential or secret) is contemplated, reasonable notice of the proposed work shall be given to the municipal authority before it is commenced.

Objections or suggestions as to erection, etc., of certain Government buildings within municipalities how to be made and dealt with.

4. (1) In the case of any such building as is mentioned in the last preceding section (not being a building connected with Imperial defence or a building the plan or construction of which ought, in the opinion of the Government, to be treated as confidential or secret), the municipal authority, or any person authorized by it in this behalf, may, with the permission of the Local Government previously obtained, but not otherwise, and subject to any restrictions or conditions which may, by general or special order, be imposed by the Local Government, inspect the land and building and all plans connected with its erection, re-erection, construction or material structural alteration, as the case may be, and may submit to the Local Government a statement in writing of any objections or suggestions which such municipal authority may deem fit to make with reference to such erection, re-erection, construction or material structural alteration.

(2) Every objection or suggestion submitted as aforesaid shall be considered by the Local Government, which shall, after such investigation (if any) as it shall think advisable, pass orders thereon, and the building referred to therein shall be erected, re-erected, constructed or altered, as the case may be, in accordance with such orders :

Provided that, if the Local Government overrules or disregards any such objection or suggestion as aforesaid,

aforesaid, it shall give its reasons for so doing in writing.

(3) Every order passed by the Local Government under this section shall be subject to revision by the Governor General in Council, but not otherwise; and the decision of the Governor General in Council thereon shall be final.

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ACT No. V OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 10th
February, 1899.)*

**An Act to further amend the Indian Evidence
Act, 1872.**

I of 1872.

WHEREAS it is expedient to further amend the Indian Evidence Act, 1872; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Evidence Act, 1899; and

Short title
and com-
mencement.

(2) It shall come into force at once.

I of 1872.

2. To section 37 of the Indian Evidence Act, 1872, the following shall be added, namely:—

Addition to
section 37,
Act I, 1872.

“This section applies also to any Act of the Lieutenant-Governor in Council of the North-Western Provinces and Oudh, the Punjab or Burma.”

XVIII of
1872.

3. (1) In section 45 of the said Act, as amended by section 4 of the Indian Evidence Act Amendment Act, after the word “handwriting,” in each of the two places in which it occurs, the words “or finger-impressions” shall be inserted.

Amendment
of section 45,
and addition
to section 73,
Act I, 1872.

(2) To section 73 of the said Act the following shall be added, namely:—

“This section applies also, with any necessary modifications, to finger-impressions.”

III of 1891.

4. In section 86 of the said Act, as amended by section 8 of the Indian Evidence Act (1872) Amendment Act, 1891, for the second paragraph the following shall be substituted, namely:—

Amendment
of section 86,
Act I, 1872.

“An officer who, with respect to any territory or place not forming part of Her Majesty's dominions,

is

[Price one anna three pies.]

is a Political Agent therefor, as defined in section 3, clause (40), of the General Clauses Act, 1897, shall X of 1897.
for the purposes of this section, be deemed to be a
representative of the Government of India in and for
the country comprising that territory or place."

Partial repeal
of section 8,
Act III,
1891.

5. In section 8 of the Indian Evidence Act (1871) III of 1891.
Amendment Act, 1891, the words and figures from
"and to the same" to the end of the section are
hereby repealed.

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12/2/99

RECEIVED
GOVERNMENT OFFICE
GOVERNMENT CIRCLE
12/2/99

ACT No. VI OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
(Received the assent of the Governor General on the 17th February, 1899.)

An Act to amend the Indian Contract Act, 1872.

IX of 1872.

WHEREAS it is expedient to amend the Indian Contract Act, 1872; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Contract Act Amendment Act, 1899.

Short title, commencement and application.

(2) It shall come into force on the first day of May, 1899; and

(3) It shall apply to every contract in respect of which any suit is instituted, or which is put in issue in any suit, after the commencement of this Act.

IX of 1872.

2. Section 16 of the Indian Contract Act, 1872, is hereby repealed, and the following is substituted therefor, namely:—

Substitution of new section for section 16, Act IX, 1872. "Undue influence" defined.

‘16. (1) A contract is said to be induced by “undue influence” where the relations subsisting between the parties are such that one of the parties is in a position to dominate the will of the other and uses that position to obtain an unfair advantage over the other.

(2) In particular and without prejudice to the generality of the foregoing principle, a person is deemed to be in a position to dominate the will of another—

(a) where he holds a real or apparent authority over the other, or where he stands in a fiduciary relation to the other; or

(b) where he makes a contract with a person whose mental capacity is temporarily or permanently

[Price one anna nine pies.]

permanently affected by reason of age, illness, or mental or bodily distress.

(3) Where a person who is in a position to dominate the will of another, enters into a contract with him, and the transaction appears, on the face of it or on the evidence adduced, to be unconscionable, the burden of proving that such contract was not induced by undue influence shall lie upon the person in a position to dominate the will of the other.

Nothing in this sub-section shall affect the provisions of section 111 of the Indian Evidence Act, 1872. I of 1872.

Illustrations.

(a) A having advanced money to his son, B, during his minority, upon B's coming of age obtains, by misuse of parental influence, a bond from B for a greater amount than the sum due in respect of the advance. A employs undue influence.

(b) A, a man enfeebled by disease or age, is induced, by B's influence over him as his medical attendant, to agree to pay B an unreasonable sum for his professional services. B employs undue influence.

(c) A, being in debt to B, the money-lender of his village, contracts a fresh loan on terms which appear to be unconscionable. It lies on B to prove that the contract was not induced by undue influence.

(d) A applies to a banker for a loan at a time when there is stringency in the money market. The banker declines to make the loan except at an unusually high rate of interest. A accepts the loan on these terms. This is a transaction in the ordinary course of business, and the contract is not induced by undue influence.

3. In section 19 of the said Act the words "undue influence" are hereby repealed, and after the same section the following is inserted, namely :—

Amendment of section 19 of, and addition of new section to, Act IX, 1872. Power to set aside contract induced by undue influence.

"19A. When consent to an agreement is caused by undue influence, the agreement is a contract voidable at the option of the party whose consent was so caused.

Any such contract may be set aside either absolutely or, if the party who was entitled to avoid it has received

received any benefit thereunder, upon such terms and conditions as to the Court may seem just.

Illustrations.

(a) A's son has forged B's name to a promissory note. B, under threat of prosecuting A's son, obtains a bond from A for the amount of the forged note. If B sues on this bond, the Court may set the bond aside.

(b) A, a money-lender, advances Rs. 100 to B, an agriculturist, and, by undue influence, induces B to execute a bond for Rs. 200 with interest at 6 per cent. per month. The Court may set the bond aside, ordering B to repay the Rs. 100 with such interest as may seem just."

4. (1) Section 74, paragraph one, of the said Act is hereby repealed and the following is substituted therefor, namely :—

Amendment of section 74, Act IX, 1872.

"74. When a contract has been broken, if a sum is named in the contract as the amount to be paid in case of such breach, or if the contract contains any other stipulation by way of penalty, the party complaining of the breach is entitled, whether or not actual damage or loss is proved to have been caused thereby, to receive from the party who has broken the contract reasonable compensation not exceeding the amount so named or, as the case may be, the penalty stipulated for.

Compensation for breach of contract where penalty stipulated for.

Explanation.—A stipulation for increased interest from the date of default may be a stipulation by way of penalty."

(2) After illustration (c) to the said section the following *illustrations* shall be added, namely :—

"(d) A gives B a bond for the repayment of Rs. 1,000 with interest at 12 per cent. at the end of six months, with a stipulation that, in case of default, interest shall be payable at the rate of 75 per cent. from the date of default. This is a stipulation by way of penalty, and B is only entitled to recover from A such compensation as the Court considers reasonable.

(e) A, who owes money to B, a money-lender, undertakes to repay him by delivering to him 10 maunds of grain on a certain date, and stipulates that, in the event of his not delivering the stipulated amount by the stipulated date, he shall be liable to deliver 20 maunds. This is a stipulation by way of

penalty,

penalty, and B is only entitled to reasonable compensation in case of breach.

(f) A undertakes to repay B a loan of Rs. 1,000 by five equal monthly instalments, with a stipulation that, in default of payment of any instalment, the whole shall become due. This stipulation is not by way of penalty, and the contract may be enforced according to its terms.

(g) A borrows Rs. 100 from B and gives him a bond for Rs. 200 payable by five yearly instalments of Rs. 40, with a stipulation that, in default of payment of any instalment, the whole shall become due. This is a stipulation by way of penalty."



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12/8/99

ACT No. VI OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
(Received the assent of the Governor General on the 17th February, 1899.)

An Act to amend the Indian Contract Act, 1872.

-IX of 1872. WHEREAS it is expedient to amend the Indian Contract Act, 1872; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Contract Act Amendment Act, 1899.

Short title, commencement and application.

(2) It shall come into force on the first day of May, 1899; and

(3) It shall apply to every contract in respect of which any suit is instituted, or which is put in issue in any suit, after the commencement of this Act.

IX of 1872. 2. Section 16 of the Indian Contract Act, 1872, is hereby repealed, and the following is substituted therefor, namely:—

Substitution of new section for section 16, Act IX, 1872.

‘16. (1) A contract is said to be induced by “undue influence” where the relations subsisting between the parties are such that one of the parties is in a position to dominate the will of the other and uses that position to obtain an unfair advantage over the other.

“Undue influence” defined.

(2) In particular and without prejudice to the generality of the foregoing principle, a person is deemed to be in a position to dominate the will of another—

(a) where he holds a real or apparent authority over the other, or where he stands in a fiduciary relation to the other; or

(b) where he makes a contract with a person whose mental capacity is temporarily or permanently

[Price one anna nine pies.]

permanently affected by reason of age, illness, or mental or bodily distress.

(3) Where a person who is in a position to dominate the will of another, enters into a contract with him, and the transaction appears, on the face of it or on the evidence adduced, to be unconscionable, the burden of proving that such contract was not induced by undue influence shall lie upon the person in a position to dominate the will of the other.

Nothing in this sub-section shall affect the provisions of section 111 of the Indian Evidence Act, 1872. I of 1872.

Illustrations.

(a) A having advanced money to his son, B, during his minority, upon B's coming of age obtains, by misuse of parental influence, a bond from B for a greater amount than the sum due in respect of the advance. A employs undue influence.

(b) A, a man enfeebled by disease or age, is induced, by B's influence over him as his medical attendant, to agree to pay B an unreasonable sum for his professional services. B employs undue influence.

(c) A, being in debt to B, the money-lender of his village, contracts a fresh loan on terms which appear to be unconscionable. It lies on B to prove that the contract was not induced by undue influence.

(d) A applies to a banker for a loan at a time when there is stringency in the money market. The banker declines to make the loan except at an unusually high rate of interest. A accepts the loan on these terms. This is a transaction in the ordinary course of business, and the contract is not induced by undue influence.

3. In section 19 of the said Act the words "undue influence" are hereby repealed, and after the same section the following is inserted, namely :—

"19A. When consent to an agreement is caused by undue influence, the agreement is a contract voidable at the option of the party whose consent was so caused.

Any such contract may be set aside either absolutely or, if the party who was entitled to avoid it has received

received any benefit thereunder, upon such terms and conditions as to the Court may seem just.

Illustrations.

(a) A's son has forged B's name to a promissory note. B, under threat of prosecuting A's son, obtains a bond from A for the amount of the forged note. If B sues on this bond, the Court may set the bond aside.

(b) A, a money-lender, advances Rs. 100 to B, an agriculturist, and, by undue influence, induces B to execute a bond for Rs. 200 with interest at 6 per cent. per month. The Court may set the bond aside, ordering B to repay the Rs. 100 with such interest as may seem just."

4. (1) Section 74, paragraph one, of the said Act is hereby repealed and the following is substituted therefor, namely :—

Amendment of section 74. Act IX, 1872.

"74. When a contract has been broken, if a sum is named in the contract as the amount to be paid in case of such breach, or if the contract contains any other stipulation by way of penalty, the party complaining of the breach is entitled, whether or not actual damage or loss is proved to have been caused thereby, to receive from the party who has broken the contract reasonable compensation not exceeding the amount so named or, as the case may be, the penalty stipulated for.

Compensation for breach of contract where penalty stipulated for.

Explanation.—A stipulation for increased interest from the date of default may be a stipulation by way of penalty."

(2) After *illustration (c)* to the said section the following *illustrations* shall be added, namely :—

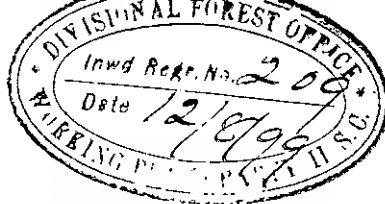
"(d) A gives B a bond for the repayment of Rs. 1,000 with interest at 12 per cent. at the end of six months, with a stipulation that, in case of default, interest shall be payable at the rate of 75 per cent. from the date of default. This is a stipulation by way of penalty, and B is only entitled to recover from A such compensation as the Court considers reasonable.

(e) A, who owes money to B, a money-lender, undertakes to repay him by delivering to him 10 maunds of grain on a certain date, and stipulates that, in the event of his not delivering the stipulated amount by the stipulated date, he shall be liable to deliver 20 maunds. This is a stipulation by way of penalty,

penalty, and B is only entitled to reasonable compensation in case of breach.

(f) A undertakes to repay B a loan of Rs. 1,000 by five equal monthly instalments, with a stipulation that, in default of payment of any instalment, the whole shall become due. This stipulation is not by way of penalty, and the contract may be enforced according to its terms.

(g) A borrows Rs. 100 from B and gives him a bond for Rs. 200 payable by five yearly instalments of Rs. 40, with a stipulation that, in default of payment of any instalment, the whole shall become due. This is a stipulation by way of penalty."



ACT No. VII OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 17th February, 1899.)

An Act to further amend the Inland Steam-vessels Act, 1884.

VI of 1884.

WHEREAS it is expedient to further amend the Inland Steam-vessels Act, 1884, (hereinafter referred to as "the said Act"); It is hereby enacted as follows :—

1. (1) This Act may be called the Inland Steam-vessels Act (1884) Amendment Act, 1899; and

Short title and commencement.

(2) It shall come into force at once.

2. After section 29 of the said Act the following section shall be added, namely :—

Addition of new section after section 29, Act VI, 1884.

" 29A. Every certificate of competency or service granted under this Act shall have effect throughout British India."

Certificates of competency or service to have effect throughout British India.

3. To the heading to Chapter VI of the said Act the words "AND FROM COLLISION" shall be added.

Addition to heading to Chapter VI, Act VI, 1884.

4. After section 50 of the said Act the following section shall be added, namely :—

Addition of new section after section 50, Act VI, 1884.

" 50A. (1) The Local Government may make rules for the protection of inland steam-vessels from collision.

Power for Local Government to make rules for protection of inland steam-vessels from collision.

(2) Rules under this section may regulate the following among other matters, that is to say :—

(a) the making of sound-signals ;

(b) the

[Price one anna three pies.]

- (b) the carriage and exhibition of lights by inland steam-vessels ;
- (c) the carriage and exhibition of lights by other vessels on inland waters on which steam-vessels ply and which are specified in the rules ;
- (d) the steering rules to be observed ; and
- (e) the towing of vessels astern or alongside.

(3) Any rule under this section may contain a provision that any person committing a breach of it shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both."

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12-8-99

ACT No. VII OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 17th
February, 1899.)

An Act to further amend the Inland Steam- vessels Act, 1884.

VI of 1884.

WHEREAS it is expedient to further amend the Inland Steam-vessels Act, 1884 (hereinafter referred to as "the said Act"); It is hereby enacted as follows :—

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Short title
and com-
mencement.

(2) It shall come into force at once.

2. After section 29 of the said Act the following section shall be added, namely :—

Addition of
new section
after section
29, Act VI,
1884.

" 29A. Every certificate of competency or service granted under this Act shall have effect throughout British India."

Certificates of
competency
or service to
have effect
throughout
British India.

3. To the heading to Chapter VI of the said Act the words " AND FROM COLLISION " shall be added.

Addition to
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Act VI, 1884.

4. After section 50 of the said Act the following section shall be added, namely :—

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after section
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1884.

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Power for
Local Gov-
ernment to
make rules
for protection
of inland
steam-vessels
from collision.

(2) Rules under this section may regulate the following among other matters, that is to say :—

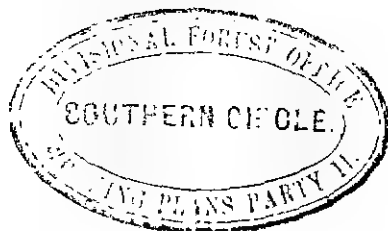
(a) the making of sound-signals ;

(b) the

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- (b) the carriage and exhibition of lights by inland steam-vessels ;
- (c) the carriage and exhibition of lights by other vessels on inland waters on which steam-vessels ply and which are specified in the rules ;
- (d) the steering rules to be observed ; and
- (e) the towing of vessels astern or alongside.

(3) Any rule under this section may contain a provision that any person committing a breach of it shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both."



ACT NO. XXIII OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 27th
September, 1899.)*

An Act to provide for the Incorporation of
Kirk Sessions of the Church of Scotland
in British India.

WHEREAS there are in British India Kirk Sessions of the Church of Scotland which have been duly constituted to be Church Courts for ecclesiastical purposes in pursuance of Acts of the General Assembly of the Church of Scotland;

And whereas it is expedient that such Kirk Sessions and any others which may hereafter be so constituted, should be incorporated with the powers hereinafter provided:

It is hereby enacted as follows:—

1. (1) This Act may be called the Church of Scotland Kirk Sessions Act, 1899;

Short title,
extent and
commence-
ment.

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

2. (1) Every Kirk Session which has been, or may hereafter be, duly constituted to be a Church Court for ecclesiastical purposes in pursuance of an Act of the General Assembly of the Church of Scotland, is hereby declared to be, and the same shall be, a body corporate having perpetual succession and a common seal.

Scottish Kirk
Sessions to
be bodies
corporate.

(2) A notification by the Governor General in Council in the Gazette of India that a Kirk Session has been duly constituted in pursuance of an Act of the General Assembly of the Church of Scotland shall be conclusive proof that it has been so constituted.

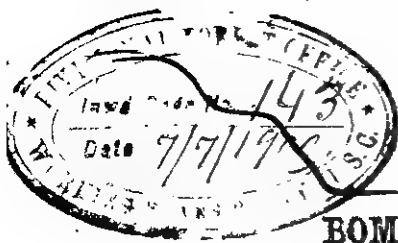
3. (1) Every

Church of Scotland Kirk Sessions. [ACT XXIII, 1899.]

Power to
hold and
dispose of
property.

3. (1) Every Kirk Session constituted as aforesaid shall, as a body corporate, have power to acquire and hold any property which has been, or may hereafter be, vested in it for the purposes of the Congregation for which it has been, or may hereafter be, constituted, or of any trust which may have been, or may hereafter be, accepted by it, to transfer the same, to contract and to do all other things necessary for, or incidental to, the purposes of its constitution or of any such trust as aforesaid.

(2) The signature of the Moderator and Treasurer or Session-clerk for the time being of a Kirk Session constituted as aforesaid shall, if affixed on behalf and by order of the Kirk Session, be sufficient for all purposes for which the signature of the Kirk Session is required.



BOMBAY ACT No. I OF 1900.

An Act to amend the Bombay Civil Courts Act, 1869.

(The assent of the Governor-General of India to this Act was published by the Governor of Bombay on the 1st June 1900.)

WHEREAS it is expedient to amend the Bombay Civil Courts Act, 1869, as amended by the Bombay Revenue Jurisdiction Acts, 1876 and 1880, the Repealing and Amending Act, 1891, and by the Bombay Civil Courts Act Amendment Act, 1895; and whereas the previous sanction of His Excellency the Governor General required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of this Act; It is enacted as follows:—

XIV of
1869,
X of 1876
& XV of
1880,
XII of
1891,
B. III of
1895.
F5 & 56,
Vic., c. 14.

1. This Act may be cited as "The Bombay Civil Courts Amendment Act, 1900."

2. In the first sentence of section 16 of the Bombay Civil Courts Act, 1869, amended as aforesaid, after the word "value" where it first occurs shall be inserted the following:— "applications or references under Special Acts" and after the word "applications" where it occurs for the second time the words "or references" shall be inserted.

XIV of
1869.

Amend-
ment of sec-
tion 16.

3. At the end of section 21 of the said Act, amended as aforesaid, the following shall be added:—

Amend-
ment of sec-
tion 21.

"Provided that for special reasons it shall be lawful for the Governor of Bombay in Council at any time to close temporarily any such Subordinate Court."

4. (a) In the first paragraph of section 23 of the said Act, amended as aforesaid, after the word "jurisdications" the following words shall be added:—

Amend-
ment of
section 23

"Provided

“Provided that for special reasons it shall be lawful for the Governor of Bombay in Council to order that a Subordinate Judge shall hold his Court at a place outside the local limits of his jurisdiction.”

(b) For the last paragraph of section 23 of the said Act, amended as aforesaid, there shall be substituted the following :—

“For the purpose of assisting the Judge of any Subordinate Court in the disposal of the civil business on his file, the Governor of Bombay in Council may appoint to such Court one or more Joint Subordinate Judges, or the District Judge may, with the previous sanction of the High Court, depute to such Court the Judge of another Subordinate Court within the district. A Subordinate Judge thus appointed or deputed to assist in the Court of another Subordinate Judge shall dispose of such civil business within the limits of his pecuniary jurisdiction as may, subject to the control of the District Judge, be referred to him by the Judge of such Court.

“For the purposes of this section the provisions of the Act applicable to Subordinate Judges shall be, and shall be deemed always to have been, applicable to Joint Subordinate Judges: Provided that no such Joint Subordinate Judge shall hear and determine any suit instituted under section 4 of the Dekkhan Agriculturists' Relief Act, 1879,^{> VII of 1879.} unless the value of the said suit falls within the limits of the pecuniary jurisdiction conferred on him by that Act.”

Amend-
ment of
section 27.

5. (a) In the first paragraph of section 27 of the said Act, amended as aforesaid, after the words “first class” there shall be inserted the following :—

“or any Judge of the Court of Small Causes established under the Provincial Small Cause Courts Act, 1887, in any place to which this section extends;”^{IX of 1887.}

(b) In

(b) In the second paragraph of the said section after the words "first class" there shall be added the following :—

"or a Judge of a Court of Small Causes ;"

(c) For the third paragraph of the said section * there shall be substituted the following :—

"A Subordinate Judge of the first class or a Judge of a Court of Small Causes, on whom the power of hearing appeals has once been conferred under this section, shall continue to have this power so long and so often as he may fill the office of Subordinate Judge of the first class or Judge of a Court of Small Causes, respectively, without reference to the district in which he may be employed: Provided that the Governor of Bombay in Council may, by notification in the *Government Gazette*, at any time withdraw such power."

6. For the first paragraph of section 28 of the said Act, amended as aforesaid, there shall be substituted the following :— Amendment of section 28.

"The Governor of Bombay in Council may invest within such local limits as he shall from time to time appoint, any Subordinate Judge with the jurisdiction of a Court of Small Causes for the trial of suits cognizable by such Courts up to such amount as he may deem proper, not exceeding in the case of any Subordinate Judge of the first class one thousand rupees, and in the case of any Subordinate Judge of the second class two hundred rupees."

7. In section 40 of the said Act, amended as aforesaid, for the words "Governor of Bombay in Council" the words "the District Judge" shall be substituted, and for the words "the Governor General of India in Council" the words "the Governor of Bombay in Council," and after the word "Act" the following shall be added :— Amendment of section 40.

"within the local limits of his jurisdiction."

8. After

Insertion of a new section 40A. 8. After section 40 of the said Act, amended as aforesaid, the following new section shall be inserted:—

Power to transfer clerk of the Court or ministerial officer. “40A. (1) The Governor of Bombay in Council may transfer a clerk of the Court or ministerial officer from any Civil Court under this Act to any other such Court.

“(2) The District Judge may transfer a clerk of the Court or ministerial officer from any such Court within the local limits of his jurisdiction to any other such Court within those limits.”

Insertion of a new section. 9. After section 41 of the said Act, amended as aforesaid, the following new section shall be inserted:—

Licensed Petition-writers. “41A. (1) The High Court may, from time to time, make rules consistent with this Act and any other enactment for the time being in force—

(a) declaring what persons shall be permitted to act as petition-writers in the Courts subordinate to it;

(b) regulating the issue of licenses to such persons, the conduct of business by them, and the scale of fees to be charged by them; and

(c) providing a penalty of fine not exceeding fifty rupees for the breach of any of the rules so made, and determining the authority by which such breaches of the rules shall be investigated and the penalties imposed.

(2) Every fine imposed under clause (c) of subsection (1) shall be recoverable as if it were a fine imposed by a Magistrate in the exercise of his ordinary jurisdiction.”

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13(46)

ACT NO. IX OF 1901.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 11th October, 1901.)

An Act further to amend the Indian Articles of War.

WHEREAS it is expedient further to amend the Indian Articles of War; It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Articles of War Amendment Act, 1901; and

Short title and commencement.

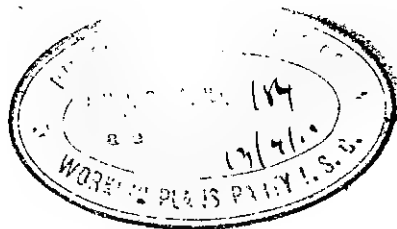
(2) It shall come into force at once.

2. To article 4, sub-article (1), clause (b), of the said Indian Articles of War, the following proviso shall be added, namely :—

Amendment of article 4, Act V, 1869.

“Provided that, if he is dismissed or discharged by order of an officer not subject to the authority of the Governor General in Council or of the Commander-in-Chief in India, such dismissal or discharge shall not take effect until it has been approved by the Governor General in Council or by the Commander-in-Chief in India, or, if he belongs to a command but is serving with a force not attached to a command, by the general officer of the command to which he belongs.”

[Price one anna.]



ACT No. X OF 1901.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 11th October, 1901.)

An Act further to amend the Court-fees Act, 1870.

VII of 1870.

WHEREAS it is expedient further to amend the Court-fees Act, 1870; It is hereby enacted as follows:—

1. (1) This Act may be called the Court-fees (Amendment) Act, 1901; and

Short title and commencement.

(2) It shall come into force at once.

VII of 1870.

2. After section 1 of the Court-fees Act, 1870, the following section shall be added, namely:—

Addition of new section after section 1, Act VII, 1870.

‘2. In this Act, unless there is anything repugnant in the subject or context, “Chief Controlling Revenue-authority” means—

“Chief Controlling Revenue-authority” defined.

(a) in the Presidency of Fort St. George and the territories respectively under the administration of the Lieutenant-Governors of Bengal and the North-Western Provinces and the Chief Commissioner of Oudh—the Board of Revenue;

(b) in the Presidency of Bombay, outside Sindh and the limits of the town of Bombay—a Revenue Commissioner;

(c) in Sindh—the Commissioner;

(d) in the Punjab and Burma, including Upper Burma—the Financial Commissioner; and

(e) elsewhere—the Local Government or such officer as the Local Government may, by

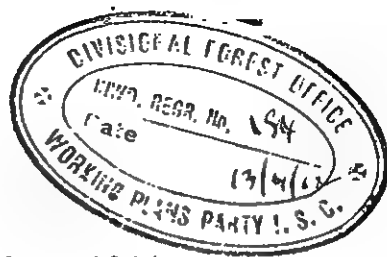
notification •

notification in the official Gazette, appoint
in this behalf.

3. (1) In sections 19-A and 19-E of the said Act, for the words "of the Province" the words "for the local area" shall be substituted.

(2) In section 19-H, sub-section (2), of the said Act, for the same words the words "for the local area in which the High Court is situated" shall be substituted.

Amendment
of sections
19-A, 19-E
and 19-H,
Act VII,
1870.



ACT No. X OF 1901.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
(Received the assent of the Governor General on the 11th October, 1901.)

An Act further to amend the Court-fees Act, 1870.

VII of 1870.

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VII of 1870.

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Short title and commencement.

(2) It shall come into force at once.

2. After section 1 of the Court-fees Act, 1870, the following section shall be added, namely:—

Addition of new section after section 1, Act VII, 1870.

2. In this Act, unless there is anything repugnant in the subject or context, "Chief Controlling Revenue-authority" means—

"Chief Controlling Revenue-authority" defined.

(a) in the Presidency of Fort St. George and the territories respectively under the administration of the Lieutenant-Governors of Bengal and the North-Western Provinces and the Chief Commissioner of Oudh—the Board of Revenue;

(b) in the Presidency of Bombay, outside Sindh and the limits of the town of Bombay—a Revenue Commissioner;

(c) in Sindh—the Commissioner;

(d) in the Punjab and Burma, including Upper Burma—the Financial Commissioner; and

(e) elsewhere—the Local Government or such officer as the Local Government may, by notification

[Price one anna and three pies.]

notification in the official Gazette, appoint in this behalf.'

Amendment
of sections
19-A, 19-E
and 19-H,
Act VII,
1870.

3. (1) In sections 19-A and 19-E of the said Act, for the words "of the Province" the words "for the local area" shall be substituted.

(2) In section 19-H, sub-section (2), of the said Act, for the same words the words "for the local area in which the High Court is situated" shall be substituted.



ACT No. XI OF 1901

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 25th October, 1901.)

An Act to facilitate the citation of certain enactments and to amend and repeal certain obsolete enactments.

WHEREAS it is expedient to facilitate the citation of the enactments specified in the first schedule to this Act;

And whereas it is also expedient that certain formal amendments should be made in the enactments specified in the second schedule to this Act;

And whereas it is also expedient that certain enactments specified in the third schedule to this Act, which are spent, or have ceased to be in force otherwise than by express specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed;

It is hereby enacted as follows :

1. (1) This Act may be called the Repealing and Amending Act, 1901 ; and

Title and
commence-
ment.

(2) It shall come into force at once.

2. Each of the enactments specified in the first three columns of the first schedule may, without prejudice to any other mode of citation, be cited for all purposes by the short title mentioned in that behalf in the fourth column thereof.

Citation
of certain
enactments.

3. (1) The enactments specified in the second schedule shall be modified to the extent and in the manner mentioned in the fourth column thereof. .

Enactments
amended
and enact-
ments
repealed.

(2) The enactments specified in the third schedule are hereby repealed to the extent mentioned in the fourth column thereof.

4. The

[Price five annas and six pies.]

Savings.

4. The repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to ;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing ;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized or derived by, in or from any enactment hereby repealed ;

nor shall the repeal by this Act of any enactment provide or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE.

CITATION OF ENACTMENTS.

(See section 2.)

1	2	3	4
Year.	No.	Subject.	Short title.
<i>Part I.— Madras Regulations.</i>			
1802	III	A Regulation for receiving, trying and deciding suits or complaints declared cognizable in the Courts of Adalat established in the several Zilas immediately subject to the Presidency of Fort St. George.	The Madras Administration of Estates Regulation, 1802.
"	XIX	A Regulation for prohibiting Covenanted Civil Servants of the Company employed in the administration of justice, or the collection of the public revenue, lending money to Zamindars, independent Taluqdars or other actual Proprietors of land, or dependent Taluqdars or Farmers of land, holding farms immediately of Government; or the Under-farmers or Raiyats of the several descriptions of Proprietors and Farmers of land above-mentioned, or their respective suraties.	The Indian Civil Service (Madras) Loans Prohibition Regulation, 1802.
"	XXV	A Regulation for declaring the proprietary right of lands to be vested in individual persons, and for defining the rights of such persons, under the permanent assessment of the Land-revenue in the British Territories subject to the Presidency of Fort St. George.	The Madras Permanent Settlement Regulation, 1802.
"	XXVI	A Regulation for governing the sale and sub-division of malguzari lands in the British Territories subject to the Presidency of Fort St. George.	The Madras Land Registration Regulation, 1802.
"	XXIX	A Regulation for establishing the office of Karnam, and defining the duties of the said office, in the British Territories subject to the Presidency of Fort St. George.	The Madras Karnams Regulation, 1802.
1803	I	A Regulation for defining the duties of the Board of Revenue, and for determining the extent of the powers vested in the Board of Revenue.	The Madras Board of Revenue Regulation, 1803.
"	II	A Regulation for describing and determining the conduct to be observed by Collectors in certain cases.	The Madras Collectors Regulation, 1803.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject.	Short title.
<i>Part I.—Madras Regulations—contd.</i>			
1804	V	A Regulation for constituting a Court of Wards, for declaring the powers vested in the said Court, and for defining the rules under which those powers are to be exercised.	The Madras Court of Wards Regulation, 1804.
1808	VII	A Regulation for declaring the powers of the Governor General in Council to provide for the immediate punishment of certain offences against the State, by the sentence of Courts-martial.	The Madras State Offences Regulation, 1808.
1816	I	A Regulation for declaring the contributions hitherto paid in the Province of Tanjore on account of the Kavali Police, appropriable to the support of the new Police established, or to be established, in that Province, and for regulating the collection and assessment of those contributions.	The Tanjore Police Regulation, 1816.
"	V	A Regulation for authorizing Village Munsifs to assemble Village Pancháyats for the adjudication of civil suits for sums of money or other personal property, without limitation as to amount or value, within their respective jurisdictions, and for defining the powers and authority to be vested in such Village Pancháyats.	The Madras Village-panch-áyats Regulation, 1816.
"	XI	A Regulation for the establishment of a general system of Police throughout the territories subject to the Government of Fort St. George.	The Madras Village-police Regulation, 1816.
"	XII	A Regulation for authorizing Collectors to refer claims regarding lands or crops, the validity of which claims may depend on the determination of a disputed boundary, as also certain disputes respecting the occupying, cultivating and irrigating of land to be tried and determined by Village and District Pancháyats, and for prescribing the Rules under which the trial of such disputes shall be conducted and the decisions of the Pancháyats carried into execution.	The Madras Village-lands Disputes Regulation, 1816.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject.	Short title.
<i>Part I.—Madras Regulations—contd.</i>			
1817	VII	A Regulation for the due appropriation of the rents and produce of lands granted for the support of mosques, Hindu temples and colleges or other public purposes, for the maintenance and repair of bridges, choultries or chattrams and other public buildings, and for the custody and disposal of escheats.	The Madras Endowments and Escheats Regulation, 1817.
"	VIII	A Regulation for expediting the trial of civil suits in which the Native officers and soldiers attached to regular Corps in the Madras Command may be parties, and for giving to them certain facilities in the maintenance and recovery of their rights, claims and interests.	The Madras Revenue Recovery (Military Proprietors) Regulation, 1817.
1819	II	A Regulation for the confinement of State Prisoners.	The Madras State Prisoners Regulation, 1819.
1821	IV	A Regulation for giving greater efficiency to the system of Police established in the provinces subordinate to the Presidency of Fort St. George.	The Madras Village-police Regulation, 1821.
1822	IV	A Regulation declaring the true intent and meaning of Regulation XXV of 1802 so far as it relates to the rights of the actual Cultivators of the soil.	The Madras Permanent Settlement (Interpretation) Regulation, 1822.
"	VII	A Regulation for declaring that the appointment and removal of the Native Public Servants of Government shall be regulated by such orders as the Governor in Council may, from time to time, see fit to issue.	The Madras Native Public Officers Regulation, 1822.
"	IX	A Regulation for empowering Collectors to take primary cognizance of cases of malversation in Revenue affairs, for prescribing the rules to be observed in such investigations and in the recovery of money embezzled or corruptly received by Public Servants and others amenable to the Collector's jurisdiction, and for providing for the admission and trial of Appeals from the summary decisions of Collectors in such cases.	The Madras Revenue Malversation Regulation, 1822.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject.	Short title.
<i>Part I.—Madras Regulations—concl.</i>			
1823	III	A Regulation for declaring the powers of Subordinate and Assistant Collectors in the execution of the provisions of Regulation IX of 1822.	The Madras Revenue Malversation (Amendment) Regulation, 1823.
1828	VII	A Regulation for declaring the powers of Subordinate and Assistant Collectors in charge of particular divisions of districts and for facilitating proceedings under Regulation IX of 1822.	The Madras Subordinate Collectors and Revenue Malversation (Amendment) Regulation, 1828.
1829	Y	A Regulation for modifying section 16, Regulation III, 1802, and for declaring the legal force of Wills left by Hindus within the territories subject to the Presidency of Fort St. George to be dependent on their conformity to the Hindu Law according to the Authorities prevalent in the respective Provinces under this Government.	The Madras Hindu Wills Regulation, 1829.
1830	I	A Regulation for declaring the practice of Sati or of burning or burying alive the Widows of Hindus illegal, and punishable by the Criminal Courts.	The Madras Sati Regulation, 1830.
1831	V	A Regulation to modify and amend the provisions in force for the recovery of the penalties prescribed for certain breaches of the stamp laws.	The Madras Stamp Penalties Regulation, 1831.
"	VI	A Regulation to prevent the misappropriation of the emoluments annexed by the State to hereditary village and other offices in the Revenue and Police Departments, and to maintain the due efficiency of those offices.	The Madras Hereditary Offices Regulation, 1831.
"	X	A Regulation to prohibit the sale of estates belonging to Minors not under the charge of the Court of Wards, and to extend the provisions of section 20, Regulation V, 1804, to property of every description not subject to the jurisdiction of that Court.	The Madras Sale of Minors' Estates Regulation, 1831.
1832	III	A Regulation for limiting the period within which plaints or appeals preferred under section 16, Regulation IX, 1822, shall be admissible in the Courts of Adalat.	The Madras Revenue Malversation (Amendment) Regulation, 1832.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject.	Short title.

Part II.—Acts of the Governor General in Council.

1837	XXXVI	An Act to extend the application of Madras Regulations IX of 1822 and VII of 1828.	The Madras Public Property Malversation Act, 1837.
1839	VII	An Act to invest Tahsildars within the Presidency of Fort St. George with certain powers in respect of property distrained for arrears of rent or revenue.	The Madras Rent and Revenue Sales Act, 1839.
"	XXIV	An Act for the administration of justice and collection of the Revenue in certain parts of the Districts of Ganjam and Vizagapatam.	The Ganjam and Vizagapatam Act, 1839.
1840	VIII	An Act concerning the signing of awards by the members of Panchâyats.	The Madras Panchâyats Act, 1840.
1844	VI	An Act for the levy of inland customs-duties within the territories subject to the Government of Fort St. George.	The Madras Inland Customs Act, 1844.
1849	X	An Act for appointing a Commissioner of Revenue at Madras.	The Madras Revenue Commissioner Act, 1849.
1851	XII	An Act for securing the land-revenue of Madras.	The Madras City Land-revenue Act, 1851.
1854	XXIV	An Act to prohibit the possession of certain offensive weapons in Malabar.	The Malabar War-knives Act, 1854.
1855	XXI	An Act for making better provision for the education of male Minors and the marriage of male and female Minors subject to the superintendence of the Court of Wards in the Presidency of Fort St. George.	The Madras Minors Act, 1855.
1857	VII	An Act for the more extensive employment of Uncovenanted Agency in the Revenue and Judicial Departments in the Presidency of Fort St. George.	The Madras Uncovenanted Officers Act, 1857.
"	XXVII	An Act to establish and incorporate an University at Madras.	The Madras University Act, 1857.

THE FIRST SCHEDULE—contd.

1	2	3	4
Year.	No.	Subject.	Short title.

Part II.—Acts of the Governor General in Council—contd.

1858	I	An Act to make lawful compulsory labour for the prevention of mischief by inundation, and to provide for the enforcement of customary labour on certain works of irrigation in the Presidency of Fort St. George.	The Madras Compulsory Labour Act, 1858.
1859	XX	An Act for the suppression of outrages in the District of Malabar in the Presidency of Fort St. George.	The Moplah Outrages Act, 1859.
"	XXIV	An Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George.	The Madras District Police Act, 1859.
1865		An Act to define and sanction the rates which the Madras Irrigation and Canal Company is authorized to charge for the supply of water for purposes other than that of irrigation.	The Madras Irrigation and Canal Company Act, 1865.
1877	XIX	An Act to enable certain District Judges to suspend and remove certain ministerial officers and for other purposes.	The Madras Civil Courts (Amendment) Act, 1877.
1882	XXI	An Act to remove doubts regarding the Madras Forest Act, 1882.	The Madras Forest (Validation) Act, 1882.
1884	II	An Act to give effect to certain unregistered instruments of partition relating to immoveable property in the Madras Presidency, and to remove doubts as to the titles conferred thereby.	The Madras Partition-deeds (Validation) Act, 1884.
1889	V	An Act to abolish the office of Coroner of Madras.	The Coroners (Madras) Act, 1889.

Part III.—Acts of the Governor of Fort St. George in Council.

1862	IV	An Act to exempt enfranchised inams from the operation of Regulation IV of 1831 and Acts XXXI of 1836 and XXIII of 1838.	The Madras Enfranchised Inams Act, 1862.
1864	II	An Act to consolidate the laws for the recovery of Arrears of Revenue in the Madras Presidency.	The Madras Revenue Recovery Act, 1864.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject.	Short title.
<i>Part III.—Acts of the Governor of Fort St. George in Council—contd.</i>			
1865	I	An Act to provide for the alteration of the limits of Districts or Zilas in the Madras Presidency.	The Madras District Limits Act, 1865.
"	V	An Act to amend Act XXIV of 1859	The Madras District Police (Amendment) Act, 1865.
"	VI	An Act to enable the Governor in Council to direct and prescribe what official seals Collectors, Magistrates and other public officers shall have and use.	The Madras Official Seals Act, 1865.
"	VII	An Act to enable the Government to levy a separate cess for the use of water supplied for irrigation purposes in certain cases.	The Madras Irrigation Cess Act, 1865.
"	VIII	An Act to consolidate and improve the laws which define the process to be taken for the recovery of rent.	The Madras Rent Recovery Act, 1865.
1866	II	An Act for the prevention of the spread of disease among Cattle in the Madras Presidency.	The Madras Cattle-disease Act, 1866.
"	IV	An Act to exempt enfranchised Village or other Service Inams, whether Revenue or Police, from the operation of Regulation VI of 1831.	The Madras Enfranchised Inams Act, 1866.
"	V	An Act to regulate the manner of engaging and contracting with Native inhabitants, within any of the districts subject to the Government of Fort St. George, for labour to be performed in any part of India beyond the territorial limits of the Presidency of Madras.	The Madras Labour and Emigration Act, 1866.
1867	VI	An Act to amend Act XII of 1851 (<i>an Act for securing the Land-revenue of Madras</i>).	The Madras City Land-revenue (Amendment) Act, 1867.
1869	III	An Act to empower Revenue-officers to summon persons to attend at their Kachahris for the settlement of matters connected with Revenue administration.	The Madras Revenue Summonses Act, 1869.

THE FIRST SCHEDULE—*contd.*

	2	3	4
Year.	No.	Subject.	Short title.
<i>Part III.—Acts of the Governor of Fort St. George in Council—contd.</i>			
1869	VIII	An Act to prevent doubts as to the true intent and meaning of certain words used in the title-deeds of inams heretofore furnished to inam-holders by the Inam Commissioner of the Madras Presidency, and to declare the true intent and meaning of Madras Acts IV of 1862 and IV of 1866.	The Madras Inams Act, 1869.
1871	II	An Act to declare the meaning of clause 4, section 11 of Madras Act VIII of 1865.	The Madras Rent Recovery (Amendment) Act, 1871.
"	VII	An Act to amend Madras Act V of 1863 (<i>an Act to prevent damage to the Madras Pier, to regulate the traffic and to provide for the levying of tolls upon the same, and to provide for its extension to other piers</i>).	The Madras Pier (Amendment) Act, 1871.
1873	I	An Act to prevent the indiscriminate destruction of wild Elephants.	The Madras Wild Elephants' Preservation Act, 1873.
1876	I	An Act to make better provision for the separate assessment of alienated portions of permanently settled estates.	The Madras Land-revenue Assessment Act, 1876.
1878	VII	An Act to provide for the payment from Municipal Funds of a portion of the cost of the Police Force employed in the City of Madras and in all Municipal Towns within the Presidency of Fort St. George.	The Madras Municipal Police Act, 1878.
1879	I	An Act to amend Madras Act II of 1866 (the Cattle-disease Prevention Act).	The Madras Cattle-disease (Amendment) Act, 1879.
1884	III	The Madras Revenue Recovery Act Amendment Act.	The Madras Revenue Recovery (Amendment) Act, 1884.
"	VII	An Act to amend Act I of 1884 (the City of Madras Municipal Act).	The Madras City Municipal (Amendment) Act, 1884.
1885	• II •	An Act to amend the Madras Rivers Conservancy Act, 1884.	The Madras Rivers Conservancy (Amendment) Act, 1885.

1901.]

*Repealing and Amending.***THE FIRST SCHEDULE—*contd.***

1	2	3	4
Year.	No.	Subject.	Short title.
<i>Part III.—Acts of the Governor of Fort St. George in Council—contd.</i>			
1886	III	An Act to amend Madras Act II of 1886	The Madras Harbour Trust (Amendment) Act, 1886.
1890	III	An Act to amend the Madras Local Boards Act, 1884, and the Madras Rent Recovery Act, 1865.	The Madras Local Boards and Rent Recovery (Amendment) Act, 1890.
1892	I	An Act to amend Madras Act II of 1886 (the Madras Harbour Trust Act).	The Madras Harbour Trust (Amendment) Act, 1892.
"	II	An Act to amend Acts I and VII of 1884 (Madras).	The Madras City Municipal (Amendment) Act, 1892.
1893	II	An Act to amend section 13 of the Land Customs Act, VI of 1844.	The Madras Inland Customs (Amendment) Act, 1893.
"	V	An Act for facilitating enquiries into matters connected with the administration of the Revenue and into the conduct of Public Servants.	The Madras Revenue Enquiries Act, 1893.
1894	I	An Act to provide further for the conduct of business by the Board of Revenue.	The Madras Board of Revenue Act, 1894.
1895	II	An Act to amend Madras Act II of 1890	The Madras Canals and Public Ferries (Amendment) Act, 1895.
1896	I	An Act to limit the local extent of the Madras Rent Recovery Act, VIII of 1865.	The Madras Rent Recovery (Amendment) Act, 1896.
"	II	An Act to amend the Madras General Clauses Act I of 1891.	The Madras General Clauses (Amendment) Act, 1896.
1897	I	An Act to amend the Madras Revenue Recovery Act II of 1864.	The Madras Revenue Recovery (Amendment) Act, 1897.
"	II	An Act to amend Madras Act No. III of 1895 (the Madras Hereditary Village-offices Act, 1895).	The Madras Hereditary Village-offices (Amendment) Act, 1897.
1898	I	An Act to amend the Malabar Marriage Act, 1896.	The Malabar Marriage (Amendment) Act, 1898.
"	II	An Act to amend Madras Act II of 1886 (the Madras Harbour Trust Act).	The Madras Harbour Trust (Amendment) Act, 1898.

1898 .

Repealing and Amending.

[ACT XI

THE FIRST SCHEDULE—*concl'd.*

1	2	3	4
Year.	No.	Subject.	Short title.
<i>Part III.—Acts of the Governor of Fort St. George in Council—concl'd.</i>			
1898	III	An Act to amend the Madras City Police Act, 1888.	The Madras City Police (Amendment) Act, 1898.
1899	I	An Act to amend Madras Act IV of 1884 .	The Madras District Municipalities (Amendment) Act, 1899.
„	II	An Act to amend Madras Act I of 1884 .	The Madras City Municipal (Amendment) Act, 1899.
„	IV	An Act to amend Madras Regulation V of 1884.	The Madras Court of Wards (Amendment) Act, 1899.
1900	III	An Act to amend the Madras Harbour Trust Act, 1885.	The Madras Harbour Trust (Amendment) Act, 1900.
„	IV	An Act to amend the Madras Proprietary Estates' Village Service Act, 1894, and the Madras Survey and Boundaries Act, 1897.	The Madras Proprietary Estates and Survey (Amendment) Act, 1900.
„	V	An Act to amend Madras Act VII of 1865.	The Madras Irrigation Cess (Amendment) Act, 1900.

1901.]

Repealing and Amending.

THE SECOND SCHEDULE.

ENACTMENTS AMENDED.

[See section 3, sub-section (1).]

1	2	3	4
Year.	No.	Short title.	Amendment.

Part I.—Madras Regulations.

1802	XXVI	The Madras Land Registration Regulation, 1802.	<p>In the title, <i>for the words</i> sale and subdivision of Mālguzāri lands <i>substitute</i> registration of landed estates paying revenue to the Government.</p> <p>In the preamble, <i>omit the words from</i> Whereas it is necessary to such lands; and ; <i>and for the words</i> such lands <i>substitute</i> landed estates paying revenue to the Government.</p>
1817	VIII	The Madras Revenue Recovery (Military Proprietors) Regulation, 1817.	<p>For the title, as amended by the Repealing and Amending (Army) Act, 1894, <i>substitute the following :</i></p> <p>A Regulation for regulating the procedure where the estate of a native officer or soldier in the Madras Command becomes liable to sale for an arrear of revenue.</p>
1822	IV	The Madras Permanent Settlement (Interpretation) Regulation, 1822.	<p>In the title, <i>for the words and figures</i> Regulations XXV, XXVIII, and XXX of 1802, so far as they relate, <i>read</i> Regulation XXV of 1802, so far as it relates.</p> <p>In section 2, <i>for the words and figures</i> Regulations XXV, XXVIII and XXX of 1802, <i>read</i> Regulation XXV of 1802.</p>
1823	III	The Madras Revenue Malversation (Amendment) Regulation, 1823.	<p>For the title, <i>substitute the following :</i></p> <p>A Regulation to supplement the provisions of the Madras Revenue Malversation Regulation, 1822.</p>
1829	V	The Madras Hindu Wills Regulation, 1829.	<p>In the preamble, <i>for the words</i> clause second of the said section, <i>read</i> clause second of section 16 of the Madras Administration of Estates Regulation, 1802.</p>

Part II.—Act of the Governor General in Council.

1899	XIII	The Glanders and Farcy Act, 1899.	To section 2, sub-section (1), <i>add</i> either generally or in respect of any local area.
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Part III.

THE SECOND SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Short title.	Amendment.

Part III.—Acts of the Governor of Port St. George in Council.

1862	IV	The Madras Enfranchised Inams Act, 1862.	For the title, <i>substitute the following</i> : An Act to declare what shall be proof of the enfranchisement of inams.
1866	V	The Madras Labour and Emigration Act, 1866.	To section 21 <i>add</i> But nothing in this Act shall apply to the emigration of labourers to any of the labour-districts in the Province of Assam from any local area to which the provisions of the Assam Labour and Emigration Act, 1901, for time being apply.
1884	V	The Madras Local Boards Act, 1884.	In section 3, clause (xiv), as substituted by section 5 of the Madras Local Boards Act Amendment Act, 1900, <i>for the figures</i> 186. <i>substitute</i> 1898.

1901.]

Repealing and Amending.

THE THIRD SCHEDULE.

ENACTMENTS REPEALED.

[See section 3, sub-section (2).]

1	2	3	4
Year.	N ^o .	Subject or short title.	Extent of Repeal.
<i>Part I.—Madras Regulations.</i>			
1802	III	The Madras Administration of Estates Regulation, 1802.	In the second clause of section 16, <i>the words</i> taking the opinion of their law officers to <i>the words</i> points of law that may occur and <i>the words</i> as expounded by his law officers to <i>the end of the clause</i> .
			In the seventh clause of section 16, <i>the words</i> or if the deceased were an European, in the Madras Gazette.
"	V	A Regulation for constituting a Sadr Adalat, or Chief Court of Civil Judicature, for trying appeals from the decisions of the Provincial Courts of Appeal.	So much as is unrepealed.
"	XIII	A Regulation for preserving complete the records of the Civil and Criminal Courts of Judicature, and for enabling the Sadr Adalat to judge of the progress made by the Zila and Provincial Courts in the determination of causes.	So much as is unrepealed.
"	XIX	The Indian Civil Service (Madras) Loans Prohibition Regulation, 1802.	The title <i>from the words</i> and for prohibiting Europeans, to sanction of Government.
1804	V	The Madras Court of Wards Regulation, 1804.	In the third clause of section 7 <i>the words</i> Courts of Appeal or to the, <i>the words</i> as it shall seem fit and <i>the word</i> respectively.
1816	IV	A Regulation for declaring the head inhabitants of villages to be Munsifs in their respective villages, to hear and decide civil suits for sums of money, or other personal property, to a limited amount, and for defining their jurisdiction.	So much as is unrepealed.

THE THIRD SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of Repeal.

Part I.—Madras Regulations—contd.

1822	IX	The Madras Revenue Malversation Regulation, 1822.	In the preamble, <i>the words</i> and whereas it is necessary to declare the powers to be exercised by criminal judges and Courts of Circuit in the punishment of the offences of bribery and corruption, and the other offences specified in this Regulation; and whereas the provisions of Regulation XXXIII of 1802 have been found inefficient for the purpose for which they were intended, and it is therefore deemed proper to rescind that Regulation.
1829	V	The Madras Hindu Wills Regulation, 1829.	In the preamble, <i>the words from</i> clause first to Provinces of this Government, yet, <i>the word last, and the words above-quoted.</i>
1831	VII	A Regulation for rescinding the existing Regulation of the 31st of December, 1817, relating to the conduct of the trade between the British possessions in India and the countries and States in amity with His Majesty, and for making other provisions in lieu thereof.	So much as is unrepealed.

Part II.—Acts of the Governor General in Council.

1855	X	An Act to amend the law relating to the attendance and examination of witnesses in the Civil Courts of the East India Company in the Presidencies of Fort St. George and Bombay.	So much as is unrepealed.
1874	XV	The Laws Local Extent Act, 1874.	So much of the second schedule as relates to Madras Regulations V and XIII of 1802. So much of the second and third schedules as relates to Act X of 1855 (<i>Recusant Witnesses</i>).
1879	XVI	The Transport of Salt Act, 1879.	Section I, <i>the words</i> and it shall come into force at once.

1901.]

*Repealing and Amending.*THE THIRD SCHEDULE—*contd.*

1	3	3	4
Year.	No.	Subject or short title.	Extent of Repeal.

Part II.—Acts of the Governor General in Council.—contd.

1895	XVII	The Marriages Validation (Bangalore) Act, 1895.	The whole Act.
1899	VIII	The Indian Petroleum Act, 1899.	In section 5, sub-section (1), the words granted as next hereinafter provided.
"	XV	The Marriages Validation (Pudukkottai and Travancore) Act, 1899.	The whole Act.
1901	II	The Indian Tolls (Army) Act, 1901.	So much of the Schedule as relates to the Madras Local Boards Act, 1884.

Part III.—Acts of the Governor of Fort St. George in Council.

1862	IV	The Madras Enfranchised Indians Act, 1862.	The preamble to the word and where it occurs after the word Government. Section 1.
1865	I	The Madras District Limits Act, 1865.	In the title the words Stations of Zilla Courts and.
1876	I	The Madras Land-revenue Assessment Act, 1876.	Section 9.
1878	VII	The Madras Municipal Police Act, 1878.	Section 2.
1879	III	The Madras Hackney-carriage Act, 1879.	Section 2.
1881	I	The Madras Ports Police Act, 1881.	Section 15.
1884	I	The City of Madras Municipal Act, 1884.	Section 2.
"	V	The Madras Local Boards Act, 1884.	In section 87, sub-section (3), as amended by the Madras Local Boards Act Amendment Act, 1900, the words troops, military stores and baggage, military and; and the words military or.
1888	I	The Local Authorities' Loan Act, 1888.	In section 1, the words and shall come into force upon the passing thereof.

THE THIRD SCHEDULE—*concl'd.*

1	2	3	4
Year.	No.	Subject or short title.	Extent of Repeal.
<i>Part III.—Acts of the Governor of Fort St. George in Council—contd.</i>			
1888	II	The Places of Public Resort Act, 1888.	Sub-section (2) of section 1.
"	III	The Madras City Police Act, 1888.	Sub-section (3) of section 1, section 2 and Schedule.
1889	I	The Madras Village Courts Act, 1888.	Section 2 and Schedule.
"	III	The Towns Nuisances Act, 1889.	Section 2 and Schedule.
"	IV	The Madras Salt Act, 1889	Section 2 and Schedule.
1890	II	The Canals and Public Ferries Act, 1890.	Section 2.
1892	I	The Madras Harbour Trust (Amendment) Act, 1892.	Section 1.
"	II	The Madras City Municipal (Amendment) Act, 1892.	Section 2.
1893	I	An Act to repeal certain obsolete enactments.	The whole Act.
"	IV	The Madras Village-cess Act, 1893.	Section 3.
1894	I	The Madras Board of Revenue Act, 1894.	Section 1.
1895	I	An Act to repeal Madras Act I of 1890.	The whole Act.
"	III	The Madras Hereditary Village-offices Act, 1895.	In section 2, sub-section (1), the words and figures Madras Regulations II of 1806 and VI of 1831 are hereby repealed; and.
1896	V	An Act to repeal Madras Act III of 1882, etc.	The whole Act.
1898	IV	An Act to repeal Madras Act I of 1880.	The whole Act.
1900	I	The Malabar Compensation for Tenants' Improvements Act, 1899.	Section 2.